

March 25, 2003

Mr. Jens G. Andersen, Fellow and Project Manager  
TRAGG Development, and  
Ms. Margaret Harding, Manager  
Fuel Engineering Services  
Global Nuclear Fuel - Americas, LLC  
P.O. Box 780  
Wilmington, North Carolina 28402

SUBJECT: GLOBAL NUCLEAR FUEL - AMERICAS, LLC (GNF-A) REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR  
BROWNS FERRY NUCLEAR PLANT, UNIT 2 (TAC NO. MB6811)

Dear Mr. Andersen and Ms. Harding:

By letters dated October 25 and December 20, 2002, and February 11 and 21, 2003, the Tennessee Valley Authority (TVA or the licensee) submitted affidavits dated October 15 and December 16, 2002, and February 5 and 20, 2003, respectively. The first three affidavits are executed by Mr. Andersen and the fourth one is executed by Ms. Harding. Both requested that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790: (1) Browns Ferry Nuclear Plant (BFN) - Unit 2 - Safety Limit Minimum Critical Power Ratio (SLMCPR) - Cycle 13 Operation, (2) Browns Ferry Nuclear Plant (BFN) - Unit 2 - Safety Limit Minimum Critical Power Ratio (SLMCPR) - Cycle 13 Operation - Supplemental Information, (3 and 4 have the same subject) Browns Ferry Nuclear Plant (BFN) - Unit 2 - Safety Limit Minimum Critical Power Ratio (SLMCPR) - Cycle 13 Operation - Response to NRC Request for Additional Information (TAC No. MB6811).

Nonproprietary versions of these documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. Use of the information by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
2. The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies.
3. The information contains details of GNF-A's fuel design and licensing methodology. The development of the methods used in these analyses, along with the testing, development and approval of the supporting methodology was

achieved at a significant cost, on the order of several million dollars, to GFN-A and its licensor.

4. The information is vital to GNF-A's competitive advantage which will be lost if its competitors are able to use the results of the GNF-A experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1496.

Sincerely,

**/RA/**

Kahtan N. Jabbour, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-260

cc: See next page

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Kahtan N. Jabbour, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
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Tennessee Valley Authority

**BROWNS FERRY NUCLEAR PLANT**

cc:

Mr. J. A. Scalice  
Chief Nuclear Officer and  
Executive Vice President  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

Mr. Karl W. Singer, Senior Vice President  
Nuclear Operations  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. James E. Maddox, Acting Vice President  
Engineering & Technical Services  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Ashok S. Bhatnagar, Site Vice President  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609

General Counsel  
Tennessee Valley Authority  
ET 11A  
400 West Summit Hill Drive  
Knoxville, TN 37902

Mr. Robert J. Adney, General Manager  
Nuclear Assurance  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Robert G. Jones, Plant Manager  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609

Mr. Mark J. Burzynski, Manager  
Nuclear Licensing  
Tennessee Valley Authority  
4X Blue Ridge  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Timothy E. Abney, Manager  
Licensing and Industry Affairs  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
Browns Ferry Nuclear Plant  
P.O. Box 149  
Athens, AL 35611

State Health Officer  
Alabama Dept. of Public Health  
RSA Tower - Administration  
Suite 1552  
P.O. Box 303017  
Montgomery, AL 36130-3017

Chairman  
Limestone County Commission  
310 West Washington Street  
Athens, AL 35611