

August 23, 2004

Mr. Jerald S. Holm, Manager  
Product Licensing  
Framatome ANP, Inc.  
2101 Horn Rapids Road  
Richland, Washington 99352

SUBJECT: FRAMATOME ANP, INC. (FANP) REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR BROWNS FERRY  
NUCLEAR PLANT, UNITS 2 AND 3 (TAC NOS. MC3743 AND MC3744)

Dear Mr. Holm:

By letter dated June 25, 2004 the Tennessee Valley Authority (TVA or the licensee) submitted an affidavit dated June 22, 2004. You have executed the affidavit requesting that *EMF-2892(P), Browns Ferry Units 2 and 3 Safety Analysis Report for Extended Power Uprate ATRIUM™-10 Fuel Supplement*, Revision 0, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

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

1. The information reveals details of FANP's research and development plans and programs or their results.
2. Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
3. The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FANP.
4. The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.
5. The information is vital to a competitive advantage held by FANP, would be helpful to competitors to FANP, and would likely cause substantial harm to the competitive position of FANP.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 2.390(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 301-415-2315.

Sincerely,

*/RA/*

Eva A. Brown, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-260 and 50-296

cc: See next page

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Mr. Karl W. Singer  
Tennessee Valley Authority

**BROWNS FERRY NUCLEAR PLANT**

cc:

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