

September 26, 2006

Mr. Jerald S. Holm, Manager  
Product Licensing  
AREVA NP, Inc.  
2101 Horn Rapids Road  
Richland, WA 99352

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

Dear Mr. Holm:

By letters to the U.S. Nuclear Regulatory Commission (NRC) dated June 6, 2005, and May 11, 2006, the Tennessee Valley Authority (TVA) submitted affidavits dated May 23, 2005, and May 4, 2006, executed by you and Gayle F. Elliott, respectively, requesting that information owned by AREVA NP, Inc. (previously known as Framatome ANP Inc.), included in the TVA letters be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. The affidavit dated May 4, 2006, could not be located by the NRC; therefore, TVA provided a copy by letter dated September 1, 2006.

Section 2.390(b)(1)(ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.390(b)(4). The supporting affidavits mentioned above have been reviewed in light of the aforementioned paragraphs of the regulations and it was determined that they did not meet such requirements. Accordingly, consideration should be given to submitting revised affidavits using the following guidance: (1) NRC Regulatory Issue Summary 2004-11: "Supporting Information Associated with Requests for Withholding Proprietary Information" (ADAMS Accession No. ML041180231), and (2) Office of Nuclear Reactor Regulation Office Instruction LIC-204, "Handling Requests to Withhold Proprietary Information from Public Disclosure" (ADAMS Accession No. ML032670002). Should you decide to submit a revised affidavit for the information submitted by TVA on May 11, 2006, a response to the enclosed Request for Additional Information will be needed.

In summary, the NRC staff has determined that the affidavits mentioned above do not conform with 10 CFR 2.390(b) of the Commission's regulations inasmuch as they fail to address the considerations of paragraph (b)(4) with sufficient specificity to enable the staff to make the required determination under 10 CFR 2.390(b). Consequently, the staff is unable to conclude at this time that the information referenced in the affidavits is proprietary.

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days from the date of this letter unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit meeting the requirements of 10 CFR 2.390(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

Should you have any questions, please contact Adrian Muñiz at 301-415-4093.

Sincerely,

*/RA/*

Eva A. Brown  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-260 and 50-296

Enclosure: Request for Additional Information

cc w/encl: See next page

J. Holm

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ADAMS Accession No.: ML062550248

\*No Legal Objection

NRR-084

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REQUEST FOR ADDITIONAL INFORMATION

BROWNS FERRY NUCLEAR POWER PLANT, UNITS 2 AND 3

DOCKET NOS. 50-260 AND 50-296

In reviewing the information requested to be withheld in the Tennessee Valley Authority submittal dated May 11, 2006, the NRC staff has determined that the following information is needed in order to complete its review:

- 1) Explain in detail why the equation on page E1-25 should be considered proprietary information.
- 2) Explain in detail why the reference SRXB-A.35-3 should be considered proprietary information.
- 3) Explain in detail why the reason (page E1-42) for the multi-rod database and prediction uncertainties not being available to FANP should be considered proprietary information.
- 4) Explain in detail why the information in Table 35-1 should be considered proprietary information. The response to this question should include a discussion of why the information reported using references SRXB-A.35-7, SRXB-A.35-8 and SRB-A.35-9 is not proprietary and the information reported using reference SRXB-A.35-10 should be considered proprietary.

Enclosure

## **BROWNS FERRY NUCLEAR PLANT**

cc:

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