

June 2, 2008

Mr. William R. Campbell, Jr.
Chief Nuclear Officer and
Executive Vice President
Tennessee Valley Authority
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2, AND 3 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR ROUND 12
RESPONSES (TAC NOS. MD5262, MD5263 AND MD5264)

Dear Mr. Campbell:

By letter dated February 26, 2007, the Tennessee Valley Authority (TVA) submitted affidavits dated February 22, 2007, and February 23, 2007, executed on behalf of General Electric Company (GE) and AREVA NP, Inc., respectively, requesting that information provided to TVA in the following documents be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390:

- Enclosure 1 to GE letter GEER1-AEP-07-358, Larry King (GE) to J. Valente (TVA), *GE Responses to NRC [Nuclear Regulatory Commission] Requests for Additional Information [RAI] - EEMB-119, EEMB-120, EEMB-121/90, SBWB-57, SBWB-58, SBWB-59, SBWB-63, and SBWB-64*, dated February 22, 2007; and
- Engineering Information Record, 51-9043400-000, *Response to NRC RAI - Round 12 for Browns Ferry EPU [Extended Power Uprate]: SBWB-64, SBWB-65, SBWB-66*, dated February 2007.

The information is contained in Enclosure 1 to TVA's letter to the NRC dated February 26, 2007. A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- b. 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.
- c. The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.

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

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies; and
- b. Information which, if used 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.

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, Senior Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-259, 50-260, and 50-296

cc: See next page

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Eva A. Brown, Senior Project Manager
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