



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 1, 2009

Mr. Preston D. Swafford
Chief Nuclear Officer and
Executive Vice President
Tennessee Valley Authority
3R 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
BROWNS FERRY NUCLEAR PLANT (TAC NOS. MD5262, MD5263 AND
MD5264)

Dear Mr. Swafford:

By letters dated August 15, September 19, and October 17, 2008, the Tennessee Valley Authority (TVA) submitted affidavits dated August 15, and September 17, and October 15, 2008, executed by Gayle Elliott on behalf of AREVA NP Incorporated (AREVA), requesting that information contained 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 a letter dated August 15, 2008, *Partial Response to Round 18 Request for Additional Information (Proprietary Version)*;

Enclosure 1 to a letter dated September 19, 2008, *Supplemental Response to Request for Additional Information (RAI) Rounds 3 and 18 and Response to Round 20 Fuels Methods RAIs (Proprietary Information Version)*; and

Enclosure 1 to a letter dated October 17, 2008, *Response to Round 21 Request for Additional Information (RAI) On Channel Bow (Proprietary Information Version)*.

Non-proprietary copies of these documents have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room.

The 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.

We have reviewed your letters and the enclosed 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 enclosures 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: G. F. Elliott
Manager, Product Licensing
AREVA NP Inc.
An AREVA and Siemens Company
3315 Old Forest Road
Lynchburg, VA 24501

Additional Distribution via Listserv

- (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.

We have reviewed your letters and the enclosed 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 enclosures 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: G. F. Elliott
 Manager, Product Licensing
 AREVA NP Inc.
 An AREVA and Siemens Company
 3315 Old Forest Road
 Lynchburg, VA 24501

Additional Distribution via Listserv

DISTRIBUTION:

PUBLIC	RidsOgcMailCenter Resource	RidsRgn2MailCenter (EGuthrie)
LPL2-2 r/f	RidsAcrcsAcnw_MailCTR Resoure	RidsNrrDorLpl2-2
RidsNrrLABClayton (Hard Copy)	RidsNrrPMBrownsFerry (Hard Copy)	

ADAMS Accession Number: ML092380044

NRR-084

OFFICE	LPL2-2/PM	LPL2-2/LA	LPL2-2/BC
NAME	EBrown	BClayton	TBoyce
DATE	8/31/09	8/31/09	9/1/09