



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

May 19, 2016

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
1101 Market Street, LP 3R-C
Chattanooga, TN 37402-2801

SUBJECT: BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2, AND 3 – REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(CAC NOS. MF6741, MF6742, AND MF6743)

Dear Mr. Shea:

By letter to the U.S. Nuclear Regulatory Commission (NRC), dated March 24, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16085A143), Tennessee Valley Authority (the licensee) submitted affidavits dated August 19 and September 17, 2015, executed by Mr. Alan B. Meginnis, Manager, AREVA, Inc. (AREVA), and Mr. James F. Harrison, Vice President, General Electric-Hitachi Nuclear Energy Americas LLC (GEH), respectively, requesting that the information contained in the following proprietary documents (Enclosure 2 of the letter dated March 24, 2016) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- ANP-3403P, Revision 2, "Fuel Uprate Safety Analysis Report for Browns Ferry Units 1, 2, and 3," August 2015 (AREVA).
- NEDC-33860P, Revision 0, "Safety Analysis Report for Browns Ferry Nuclear Plant Units 1, 2, and 3 Extended Power Uprate," September 2015 (GEH).

Enclosure 3 of the letter dated March 24, 2016, was nonproprietary copies of the documents ANP-3403NP, Revision 2, entitled "Fuel Uprate Safety Analysis Report for Browns Ferry Units 1, 2, and 3," August 2015 (AREVA), and NEDO-33860, Revision 0, entitled "Safety Analysis Report for Browns Ferry Nuclear Plant Units 1, 2, and 3 Extended Power Uprate," September 2015 (GEH), which have been placed in the NRC's Public Document Room and added to the NRC Library in the ADAMS (Accession No. ML16085A143).

The AREVA affidavit dated August 19, 2015, 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.

- (d) The Information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA, would be helpful to competitors to AREVA, and would likely cause substantial harm to the competitive position of AREVA.

The GEH affidavit dated September 17, 2015, 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
- (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 the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, 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.

J. Shea

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If you have any questions, please contact me at (301) 415-1447 or Farideh.Saba@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Farideh E. Saba".

Farideh E. Saba, Senior Project Manager
Plant Licensing Branch 2-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

cc: Mr. Alan B. Meginnis
Manager, Product Licensing
AREVA Inc.
3315 Old Forest Road
Lynchburg, VA 24501

Mr. James F. Harrison
Vice President, Fuel Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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J. Shea

- 3 -

If you have any questions, please contact me at (301) 415-1447 or Farideh.Saba@nrc.gov.

Sincerely,

/RA SLingam for/

Farideh E. Saba, Senior Project Manager
Plant Licensing Branch 2-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

cc: Mr. Kurt Edsinger
Director of PWR and BWR Materials
Electric Power Research Institute, Inc.
3420 Hillview Avenue
Palo Alto, CA 94304

Mr. James F. Harrison
Vice President, Fuel Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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