



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

October 3, 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 July 29, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16211A506), Tennessee Valley Authority submitted an affidavit dated July 22, 2016, executed by Ms. Lisa K. Schichlein, Senior Project Manager, General Electric-Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in the following document (Enclosure 1 of the letter dated July 29, 2016) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Responses to NRC Requests for Additional Information [RAIs] EMCB
[Mechanical and Civil Engineering Branch of NRC]-RAIs 1, 4, 5, 6, 7, 8, 12, 20,
23, 25, 28, 33, 35, 38, 39, 40, 41, 42, and 43 (Proprietary version).

A non-proprietary copy of the document (Enclosure 2 of the letter dated July 29, 2016), entitled "Responses to NRC Requests for Additional Information EMCB-RAIs 1, 4, 5, 6, 7, 8, 12, 20, 23, 25, 28, 33, 35, 38, 39, 40, 41, 42, and 43" (Non-proprietary version)," has been placed in the NRC's Public Document Room and added to the NRC Library under ADAMS Accession No. ML16211A506).

The GEH affidavit dated July 22, 2016, 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 that, if used by a competitor, would reduce their expenditure of resources or improve their 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.

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

Sincerely,



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

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

cc: Ms. Lisa K. Schichlein
Senior Project Manager, NPP/Services Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road, M/C A-75
Wilmington, NC 28401

Additional Distribution via Listserv

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.

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 II-2
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

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

cc: Ms. Lisa K. Schichlein
 Senior Project Manager, NPP/Services Licensing
 Regulatory Affairs
 GE-Hitachi Nuclear Energy Americas LLC
 3901 Castle Hayne Road, M/C A-75
 Wilmington, NC 28401

Additional Distribution via Listserv

DISTRIBUTION:

PUBLIC	LPL2-2 R/F	RidsNrrDorLp2-2 Resource
RidsACRS_MailCTR Resource	RidsNrrPMBrownsFerry Resource	MBreach, NRR
RidsNrrLABClayton Resource	RidsNrrDeEmcb Resource	CBasavaraju, NRR
RidsRgn2MailCenter Resource		

ADAMS Accession No. ML16216A086

OFFICE	NRR/DORL/LPL4-1/PM	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA
NAME	SLingam(FSaba for)	FSaba	BClayton(PBlechman for)
DATE	9/22/2016	9/22/2016	9/21/2016
OFFICE	NRR/DE/EMCB/BC(A)	NRR/DORL/LPL2-2/BC(A)	NRR/DORL/LPL2-2/PM
NAME	YLi	JDion	FSaba(SLingam for)
DATE	9/26/2016	10/03/2016	10/03/2016