



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

December 30, 2019

Mr. James T. Polickoski
Director, Nuclear Regulatory Affairs
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402-2801

SUBJECT: BROWNS FERRY NUCLEAR PLANT, UNITS 1 AND 2 – REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2019-LRO-0052 AND EPID L-2019-LRO-0053)

Dear Mr. Polickoski:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated December 12, 2019 (Agencywide Documents Access and Management System Accession No. ML19347B133), Tennessee Valley Authority submitted an affidavit dated December 11, 2019, executed by Ms. Michelle P. Catts, Senior Vice President of Regulatory Affairs, GE-Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in the following document (Enclosure 1 to the letter dated December 12, 2019) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

GEH Report 005N5578 Revision 0, "Browns Ferry Nuclear Plant Units 1 and 2, Replacement Steam Dryer EPU Full Re-Analysis Reports (NEDC-33908P [1] and NEDC-33909P [2]) – NRC Questions and Responses," dated December 2019.

The GEH affidavit dated December 11, 2019, stated that the submitted document is deemed proprietary in its entirety, and the information should be considered exempt from mandatory public disclosure per 10 CFR 2.390(b)(4) requirements for the following reasons:

- (4)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.
- (4)b. Information that, 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, based on 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 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/

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

Docket No. 50-259

cc: Mr. James Barstow
Vice President, Nuclear Regulatory
Affairs and Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402-2801

Ms. Michelle P. Catts
Senior Vice President of Regulatory Affairs
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Listserv

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