



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

June 1, 2022

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

SUBJECT: BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2, AND 3 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR CRITICALITY SAFETY ANALYSIS OF SPENT FUEL POOL STORAGE OF ATRIUM 11 FUEL (EPID L-2021-LLA-0097)

Dear Mr. Barstow:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated May 29, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21150A022), the Tennessee Valley Authority (TVA) submitted ANP-3910P, Revision 2, "Browns Ferry Nuclear Plant Units 1, 2 and 3, Spent Fuel Storage Pool Criticality Safety Analysis for ATRIUM 11 Fuel," dated April 2021 and requested that portions be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholding."

Subsequently, by letter dated April 28, 2022 (ML22122A160), TVA submitted a supplement to the May 29, 2021, letter to correct errors in the inputs and markings for certain information that was incorrectly marked as proprietary. As stated, enclosures 1 and 2 to the April 28, 2022, supplement supersede attachments 1 and 2 to the May 29, 2021, letter. The April 28 letter contains the following affidavit:

Affidavit dated April 14, 2022, executed by Alan B. Meginnis, Manager, Product Licensing, Framatome Inc., requesting that proprietary portions of ANP-3910P, Revision 3, "Browns Ferry Nuclear Plant Units 1, 2 and 3, Spent Fuel Storage Pool Criticality Safety Analysis for ATRIUM 11 Fuel," dated April 2022, be withheld from public disclosure pursuant to 10 CFR 2.390.

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the NRC Library in the ADAMS.

The affidavit stated that the submitted information should be withheld from public disclosure because the document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome and not made available to the public.

Additionally, the affidavit stated that the information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4), "Trade secrets and commercial or financial information." The affidavit further stated:

6. The following criteria are customarily applied by Framatome to determine whether information should be classified as proprietary:
  - (a) The information reveals details of Framatome's research and development plans and programs or their results.
  - (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 Framatome.
  - (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.
  - (e) The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b), 6(d) and 6(e) above.

We have reviewed TVA's 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 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.

J. Barstow

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If you have any questions regarding this matter, I may be reached at (301) 415-1627.

Sincerely,

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

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

cc: Alan Meginnis, Manager, Product Licensing  
Framatome, Inc.  
2101 Horn Rapids Rd.  
Richland, WA 99354

cc: Listserv

SUBJECT: BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2, AND 3 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR CRITICALITY SAFETY ANALYSIS OF SPENT FUEL POOL STORAGE OF ATRIUM 11 FUEL (EPID L-2021-LLA-0097) DATED JUNE 1, 2022

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