

August 7, 2006

Mr. Karl E. Singer  
Chief Nuclear Officer and  
Executive Vice President  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

SUBJECT: TENNESSEE VALLEY AUTHORITY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR BROWNS FERRY  
NUCLEAR PLANTS, UNITS 2 AND 3 (TAC NOS. MC3743 AND MC 3744)

Dear Mr. Singer:

By letter dated March 7, 2006, the Tennessee Valley Authority submitted an affidavit dated February 27, 2006, executed by Jerold S. Holm, you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Enclosure 1 to Response to December 22, 2005, NRC Round 3  
Requests for additional information related to technical specifications  
(TS) change No. TS-418 - Request for Extended Power Uprate  
Operation

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals details of Framatome ANP Inc. (FANP) 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 FANP.

K. Singer

-2-

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

We have reviewed your application and the 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 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.

If you have any questions regarding this matter, I may be reached at 301-415-2315.

Sincerely,

**/RA/**

Eva A. Brown, Project Manager  
Plant Licensing Branch 2-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-260 and 50-296

cc: Plant Mailing List

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

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Sincerely,

**/RA/**

Eva A. Brown, Project Manager  
Plant Licensing Branch 2-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

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cc: Plant Mailing List

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Mr. Karl W. Singer  
Tennessee Valley Authority

cc:

Mr. Ashok S. Bhatnagar, Senior Vice President  
Nuclear Operations  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Larry S. Bryant, General Manager  
Nuclear Engineering  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Brian O'Grady, Site Vice President  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609

Mr. Robert J. Beecken, Vice President  
Nuclear Support  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

General Counsel  
Tennessee Valley Authority  
ET 11A  
400 West Summit Hill Drive  
Knoxville, TN 37902

Mr. John C. Fornicola, Manager  
Nuclear Assurance and Licensing  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. George B. Stramback  
Manager, Regulatory Services  
GE Nuclear Energy  
1989 Little Orchard Street M/C HME  
San Jose, CA 95125-1030

## **BROWNS FERRY NUCLEAR PLANT**

Mr. Glenn W. Morris, Manager  
Corporate Nuclear Licensing  
and Industry Affairs  
Tennessee Valley Authority  
4X Blue Ridge  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. William D. Crouch, Manager  
Licensing and Industry Affairs  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
Browns Ferry Nuclear Plant  
10833 Shaw Road  
Athens, AL 35611-6970

State Health Officer  
Alabama Dept. of Public Health  
RSA Tower - Administration  
Suite 1552  
P.O. Box 303017  
Montgomery, AL 36130-3017

Chairman  
Limestone County Commission  
310 West Washington Street  
Athens, AL 35611

Mr. Bruce Aukland, Plant Manager  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Decatur, AL 35609