



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

July 5, 2012

Mr. Joseph W. Shea
Manager, Corporate Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE
REGARDING USE OF AREVA ADVANCED W17 HIGH THERMAL
PERFORMANCE FUEL (TAC NOS. ME6538 AND ME6539)

Dear Mr. Shea:

By letter dated June 17, 2011, as supplemented by letters dated July 27, 2011, November 14, 2011, March 23, 2012, April 26, 2012, May 15, 2012, and May 24, 2012, Tennessee Valley Authority (the licensee) submitted a license amendment to modify the Technical Specifications for use of AREVA advanced W17 high thermal performance (HTP) fuel for the Sequoyah Nuclear Plant, Units 1 and 2. The licensee requested that AREVA NP Incorporated (AREVA NP) proprietary information included in Enclosure 1 of its letter dated May 24, 2012, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. An affidavit dated May 21, 2012, corresponding to Enclosure 1 of the licensee's letter dated May 24, 2012, executed by Russell Wells of AREVA NP, and included as Enclosure 3 to the licensee's letter dated May 24, 2012, was provided requesting that information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

Enclosure 1 to a letter dated May 24, 2012 – ANP-3053(P), Revision 3, Sequoyah HTP Fuel Transition – NRC [Nuclear Regulatory Commission] RAIs [request for additional information] and Responses, May 2012.

A nonproprietary copy of the above document, which was included in the licensee's letter dated May 24, 2012, as Enclosure 2, has been placed in the NRC's Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System. This document is entitled: "ANP-3053(NP), Revision 3, Sequoyah HTP Fuel Transition – NRC RAIs and Responses, May 2012."

The affidavit stated that the submitted information in Enclosure 1 should be considered exempt from mandatory public disclosure for the reasons specified in the following paragraphs 6(b) and 6(c):

- 6(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.

- 6(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 AREVA NP.

We have reviewed the licensee's letter dated May 24, 2012, and the enclosed 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 Enclosure 1 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 301-415-1564.

Sincerely,



Siva P. Lingam, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-327 and 50-328

cc: Mr. Russell Wells
U.S. EPR COLA Licensing Manager
Product Licensing
AREVA NP Inc.
3315 Old Forest Road
Lynchburg, VA 24501

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- 6(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 AREVA NP.

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/RA/

Siva P. Lingam, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
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