



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

June 13, 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
(EPID L-2021-LLA-0132)

Dear Mr. Barstow:

By letter dated May 27, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22151A236), Tennessee Valley Authority (TVA) submitted affidavits dated April 18 and April 15, 2022, executed by Alan B. Meginnis, Manager, Product Licensing, for Framatome, Inc., that requested proprietary information contained in the following respective documents be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

ANP-3996P, Revision 0, "Browns Ferry Unit 2 Cycle 23 Fuel Cycle Design Report," dated April 2022

ANP-3988P, Revision 0, "Browns Ferry Unit 2 Fabrication Batch BFE2-23 ATRIUM 11 Fuel Nuclear Design Report," dated April 2022

A nonproprietary copy of these documents has been placed in the U.S. Nuclear Regulatory Commission's (NRC) Public Document Room and added to the NRC Library in ADAMS.

The affidavits stated that the submitted information should be withheld from public disclosure for the following reason:

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 affidavits stated that information in the document has been classified by Framatome as proprietary in accordance with the policies established by Framatome for the control and protection of proprietary and confidential information. They further stated:

6. The following criteria are customarily applied by Framatome to determine whether the 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.

Specifically, Framatome has identified that the proprietary information in the listed document meets criteria 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 affidavits, 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 301-415-1627.

Sincerely,

/RA/

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, and 50-296

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

cc: Listserv

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| DATE | 06/03/2022 | 06/07/2022 | 06/07/2022 |
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| NAME | DWrona | KGreen | |
| DATE | 06/10/2022 | 06/13/2022 | |

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