

February 13, 2002

Mr. H. L. Sumner, Jr.
Vice President - Nuclear
Hatch Project
Southern Nuclear Operating
Company, Inc.
Post Office Box 1295
Birmingham, Alabama 35201-1295

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNIT 1 RE: REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO.
MB3756)

Dear Mr. Sumner:

By your application dated January 4, 2002, and affidavit dated December 13, 2001, executed by Glen A. Watford, Global Nuclear Fuel, you resubmitted the request to revise the Technical Specifications for Edwin I. Hatch Nuclear Plant, Unit 1, regarding the cycle-specific Safety Limit Minimum Critical Power Ratio, and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. 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:

- (4)a. It is information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Nuclear Fuel-Americas' (GNF-A) competitors without license from GNF-A constitutes a competitive economic advantage over other companies, and
- (4)b. It is information which, if used by a competitor, would reduce its expenditure of resources or improve its 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 2.790 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 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

H. L. Sumner, Jr.

- 2 -

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 301-415-1419.

Sincerely,

/RA/

Leonard N. Olshan, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-367

cc: See next page

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Leonard N. Olshan, Senior Project Manager, Section 1
Project Directorate II
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Office of Nuclear Reactor Regulation

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Edwin I. Hatch Nuclear Plant

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