

February 17, 2004

Ms. Margaret Harding, Manager
Fuel Engineering Services
Global Nuclear Fuel
PO Box 780
Wilmington, NC 28402-0780

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
GE14 AND SVEA-96+ THERMAL-HYDRAULIC COMPATIBILITY REPORT
(TAC NO. MC1517)

Dear Ms. Harding:

By PSEG Nuclear, LLC (PSEG) letter (LR-N03-0388) dated September 8, 2003, and your affidavit dated September 8, 2003 (Attachment 3 to the same letter), information was provided to the U.S. Nuclear Regulatory Commission (NRC) regarding PSEG's plans to use GE14 fuel. Attachment 1 to PSEG's letter provided information that there was independent verification of the conclusions reached by Global Nuclear Fuels (GNF) that the introduction of GE14 fuel type will not adversely affect the performance of the SVEA 96+ fuel. This independent verification also concluded that the GE14 and SVEA-96+ fuel types are thermal-hydraulically compatible as evaluated in the Hope Creek Generating Station core. PSEG's letter and your affidavit requested that Attachment 1 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. Your affidavit indicated that Attachment 1, in its entirety, was considered proprietary and a nonproprietary version of the information was provided in Attachment 1 of PSEG's letter LR-N03-0406 dated September 17, 2003.

A nonproprietary copy of Attachment 1 to PSEG letter LR-N03-0406 has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.

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

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's [Global Nuclear Fuel-Americas] competitors without license from GNF-A constitutes a competitive economic advantage over other companies.
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his 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

M. Harding

-2-

information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Attachment 1 to Letter LR-N03-0388, 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.

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 should also 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 301-415-2901.

Sincerely,

/RA/

John P Boska, Senior Project Manager, Section 2
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-354

cc: See next page

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If you have any questions regarding this matter, I may be reached at 301-415-1420.

Sincerely,

/RA/

John P Boska, Senior Project Manager, Section 2
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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cc: See next page

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OFFICIAL RECORD COPY

Hope Creek Generating Station

cc:

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