

October 31, 2005

Mr. Bradley J. Erbes
Manager, Systems Engineering
GE Nuclear Energy
175 Curtner Avenue M/C 747
San Jose, CA 95125

SUBJECT: PSEG NUCLEAR LLC, REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE FOR HOPE CREEK GENERATING STATION
(TAC NO. MC3390)

Dear Mr. Erbes:

By letter dated September 23, 2005, PSEG Nuclear LLC (PSEG) submitted an affidavit executed by you, dated September 9, 2005, requesting 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 2 to GE [General Electric] letter, GE-HCGS-AM-091, Edward D. Schrull (GE) to Mr. Paul Duke (PSEG Nuclear LLC), *GE Responses to Support NRC RAIs* [Nuclear Regulatory Commission Requests for Additional Information] 2 and 4, dated September 9, 2005

The September 23, 2005, letter from PSEG contained responses to NRC questions related to PSEG's license change request H04-01 for the Hope Creek Generating Station. The letter from PSEG stated that the proprietary information from the aforementioned GE letter was faithfully reproduced in the submitted letter such that the affidavit remains applicable.

A nonproprietary copy of this document has been placed in the 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:

- (1) This information is of the type typically held in confidence by GE, and is in fact so held.
- (2) The information is being transmitted to the NRC in confidence.
- (3) The information has not been publically disclosed, nor is it available in public sources.
- (4) The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GE's competitors constitutes a competitive economic advantage over other companies.

- (5) The information, 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.
- (6) Public disclosure of this information would cause GE to lose its competitive advantage if its competitors were able to use the results to normalize or verify their own process, or if they were able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

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 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 301-415-2481.

Sincerely,

/RA/

G. Edward Miller, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-354

cc: See next page

Hope Creek

cc:

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Site Vice President - Hope Creek
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Hancocks Bridge, NJ 08038

Dr. Jill Lipoti, Asst. Director
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Senior Resident Inspector
Hope Creek Generating Station
U.S. Nuclear Regulatory Commission
Drawer 0509
Hancocks Bridge, NJ 08038

- (5) The information, 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.
- (6) Public disclosure of this information would cause GE to lose its competitive advantage if its competitors were able to use the results to normalize or verify their own process, or if they were able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

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/RA/

G. Edward Miller, Project Manager, Section 2
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Division of Licensing Project Management
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cc: See next page

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