August 31, 2010

Mr. Andrew A. Lingenfelter
Vice President, Fuel Engineering
Global Nuclear Fuel–Americas, LLC
P.O. Box 780, M/C A-55
Wilmington, NC 28401

SUBJECT: GLOBAL NUCLEAR FUEL - AMERICAS REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME3525)

Dear Mr. Lingenfelter:

By letters dated March 5, 2010, and May 27, 2010, Global Nuclear Fuel – Americas (GNF-A) submitted affidavits dated March 5, 2010, and May 27, 2010, executed by you, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Amendment 32 Safety Evaluation Follow-on Items and GNF Response

Amendment 33 to NEDE–24011–P, General Electric Standard Application for Reactor Fuel (GESTAR II)

NEDC-33270P, Revision 3, "GNF2 Advantage Generic Compliance with NEDE-24011-P-A (GESTAR II)," March 2010

Revised Section 2 for Amendment 33 to NEDE–24011–P, General Electric Standard Application for Reactor Fuel (GESTAR II).

Nonproprietary copies of these documents have 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:

a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies; and

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 2.390 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(s) 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 301-415-2365.

Sincerely,

/RA/

Stephen S. Philpott, Project Manager
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 712

cc: Mailing List

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Stephen S. Philpott, Project Manager
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ADAMS ACCESSION NO.: ML102300777 **NRR-084**

OFFICE	PLPB/PM	PLPB/LA	SNPB/BC	PLPB/BC	PLPB/PM
NAME	SPhilpott	EHylton	AMendiola	JJolicoeur	SPhilpott
DATE	8/19/10	8/20/10	8/27/10	8/30/10	8/31/10

OFFICIAL RECORD COPY

cc:

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