



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

September 9, 2010

Mr. Thomas Joyce
President and Chief Nuclear Officer
PSEG Nuclear
P.O. Box 236, N09
Hancocks Bridge, NJ 08038

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR HOPE CREEK GENERATING STATION (TAC NO. ME2949)

Dear Mr. Joyce:

By PSEG Nuclear LLC (PSEG) letter LR-N10-0289 dated July 28, 2010, and two GE-Hitachi Nuclear Energy Americas LLC (GEH) affidavits, executed by James F. Harrison, PSEG requested 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) Section 2.390:

[Request for Addition Information (RAI)] 3 Question 11 Response (Attachment 2 to letter LR-N10-0289)

RAIs 17 and 18 Response - Consolidated Report 0000-0120-1959-R1 July 2010 (Attachment 4 to letter LR-N10-0289)

A nonproprietary copy of the document in Attachment 2 to the letter (Attachment 3 to letter LR-N10-0217) 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. Your letter stated that the information in Attachment 4 to the letter is proprietary in its entirety, therefore, no non-proprietary version was provided.

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

- (4)a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies; and
- (4)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 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 301-415-1420.

Sincerely,

A handwritten signature in black ink, appearing to read 'RBE', followed by a horizontal line.

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-354

cc: Mr. James F. Harrison
Vice President, Fuel Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P.O. Box 780, M/C A-55
Wilmington, NC 28401

Additional Distribution via Listserv

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of 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 301-415-1420.

Sincerely,

/ra/

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-354

cc: Mr. James F. Harrison
Vice President, Fuel Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P.O. Box 780, M/C A-55
Wilmington, NC 28401

Additional Distribution via Listserv

DISTRIBUTION:

PUBLIC

LPL1-2 R/F

RidsNrrDorLpl1-2 Resource

RidsNrrLAABaxter Resource

RidsNrrPMHopeCreek Resource

RidsOgcMailCenter Resource

RidsAcrcAcnw_MailCTR Resource

RidsRgn1MailCenter Resource

RidsNrrDssSnpb Resource

RidsNrrDraAadb Resource

ADAMS Accession No.: ML102390330

OFFICE	LPL1-2/PM	LPL1-1/LA	LPL1-2/BC
NAME	REnnis	ABaxter	HChernoff
DATE	8/30/10	9/3/10	9/9/10

OFFICIAL RECORD COPY