

April 21, 2011

Mr. Scott Murray, Manager
General Electric - Hitachi
Nuclear Energy
Mail Code #84
3901 Castle Hayne Road
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE –
GENERAL ELECTRIC - HITACHI (TAC NO. L33129)

Dear Mr. Murray:

In a letter, dated April 8, 2011, from David Turner, an application for a license renewal of special nuclear materials license SNM-960 was sent to the U.S. Nuclear Regulatory Commission (NRC). Attachment 4 contained a revised Decommissioning Funding Plan (DFP). Attachment 1, dated April 4, 2011, requested that the DFP be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 2.390. Your affidavit stated that the DFP in Attachment 4 should be considered exempt from mandatory public disclosure because it is the intellectual property of General Electric – Hitachi (GEH) and is held in confidence. This information has not been made public by GEH, nor has it been authorized for public release. The disclosure of this information to the public would likely cause harm to the competitive advantage held by GEH because it contains distinguishing aspects of decommissioning methods and financial information.

We reviewed your application and submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, determined that the submitted information sought to be withheld contains proprietary, commercial information. Therefore, the version of the submitted information marked as proprietary will be withheld from the public disclosure pursuant to 10 CFR 2.390(b) 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 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of the NRC's Agencywide Document Access

S. Murray

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and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, you may contact me at (301) 492-3189, or via E-mail to Christopher.Ryder@nrc.gov.

Sincerely,

/RA/

Christopher Ryder, Licensing Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-754
License No. SNM-960

cc: Mr. David Turner, GEH

S. Murray

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Christopher Ryder, Licensing Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-754
License No. SNM-960

cc: Mr. David Turner, GEH

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NAME	CRyder	LAllen	RJohnson (MBaker for)
DATE	4/19/11	4/ 21 /11	4/ 21 /11

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