



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

January 10, 2017

Mr. C. R. Pierce
Director, Regulatory Affairs
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
40 Inverness Center Parkway
Birmingham, AL 35242

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR HATCH NUCLEAR PLANT, UNIT NO. 2

Dear Mr. Pierce:

By letter dated December 16, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16356A016), you submitted an affidavit dated September 8, 2016, executed by Brian R. Moore on behalf of Global Nuclear Fuel – Americas, LLC, and requested that the information contained in the letter's Enclosure 1, as described below, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

NEDC-33874P, "GNF3 Lead Use Assembly for Edwin I. Hatch Nuclear Plant, Unit 2"

A nonproprietary version of Enclosure 1 was provided as Enclosure 2 and can be found at ADAMS Accession No. ML16356A017.

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

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GNF-A's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the

expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GNF-A.

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 affidavit, 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 U.S. Nuclear Regulatory Commission (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.

C. R. Pierce

- 3 -

If you have any questions regarding this matter, please contact me at (301) 415-3229 or by e-mail at Michael.Orenak@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Orenak". The signature is fluid and cursive, with the first name "Michael" and the last name "Orenak" clearly distinguishable.

Michael D. Orenak, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-366

cc: Mr. Brian R. Moore
Engineering Manager
Core and Fuel Engineering
Global Nuclear Fuel – Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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C. R. Pierce

- 3 -

If you have any questions regarding this matter, please contact me at (301) 415-3229 or by e-mail at Michael.Orenak@nrc.gov.

Sincerely,

/RA/

Michael D. Orenak, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-366

cc: Mr. Brian R. Moore
Engineering Manager
Core and Fuel Engineering
Global Nuclear Fuel – Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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