



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

June 15, 2018

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR HATCH NUCLEAR PLANT, UNITS 1 AND 2

Dear Ms. Gayheart:

By letter dated January 10, 2018 (Agencywide Documents Access Management System Accession No. ML18012A057), Mr. Justin T. Wheat of your staff submitted two affidavits, dated September 8 and October 4, 2017, executed by Brian R. Moore of Global Nuclear Fuel - Americas, LLC (GNF-A), 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:

Enclosure 1: "Affidavit and Proprietary Report NEDC-33884P, Revision 0: GNF FeCrAl ATF Lead Test Assembly"

Enclosure 3: "Affidavit and Proprietary Report NEDC-33883P, Revision 0: GNF ARMOR Lead Test Assembly"

A nonproprietary version of Enclosure 1 was provided as Enclosure 2 and can be found at ADAMS Accession No. ML18012A058. A nonproprietary version of Enclosure 3 was provided as Enclosure 4 and can be found at ADAMS Accession No. ML18012A0059.

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

- ...the information sought to be withheld is being submitted to NRC [U.S. Nuclear Regulatory Commission] 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.
- 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 [boiling water reactor] 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.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

We have reviewed your letter 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.

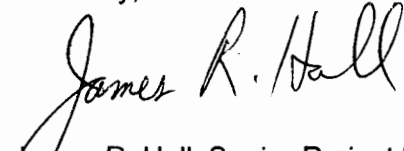
Therefore, Enclosure 1, "Affidavit and Proprietary Report NEDC-33884P, Revision 0: GNF FeCrAl ATF Lead Test Assembly," and Enclosure 3, "Affidavit and Proprietary Report NEDC-33883P, Revision 0: GNF ARMOR Lead Test Assembly," marked as proprietary, will be withheld from public disclosure pursuant to 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 Nuclear Regulatory Commission. 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, please contact me at (301) 415-4032 or via email at Randy.Hall@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "James R. Hall". The signature is written in a cursive style with a large initial "J" and "H".

James R. Hall, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

cc: Brian R. Moore
General Manager, Core & Fuel Engineering
Global Nuclear Fuel - Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401
Distribution via Listserv

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
 FOR HATCH NUCLEAR PLANT, UNITS 1 AND 2, DATED JUNE 15, 2018

DISTRIBUTION:

Public
 RidsAcrsAcnw_MailCTR Resource
 RidsNrrDorlLpl2-1 Resource
 RidsNrrLAKGoldstein Resource
 RidsNrrPMHatch Resource
 RidsNrrDss Resource
 RidsRgn2MailCenter Resource

ADAMS Accession No.: ML18159A347

***via email**

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DSS/SNPB/BC
NAME	MOrenak	RHall	KGoldstein	SKrepel for RLukes*
DATE	6/11/18	6/15/18	06/11/18	6/15/18
OFFICE	NRR/DORL/LPL2-1/BC	NRR/DORL/LPL2-1/PM		
NAME	MMarkley	RHall		
DATE	6/15/18	6/15/18		

OFFICIAL RECORD COPY