

50-366



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 3, 1998

Mr. H. L. Sumner, Jr.  
Vice President - Nuclear  
Hatch Project  
Southern Nuclear Operating  
Company, Inc.  
Post Office Box 1295  
Birmingham, Alabama 35201-1295

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

Dear Mr. Sumner:

By your application dated September 18, 1998, and affidavit dated August 13, 1998, executed by Glen A. Watford, Manager, Nuclear Fuel Engineering, General Electric Company, you submitted "GE14 LUA [Lead Use Assemblies] Fuel Bundle Description Report," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the NRC's public document room.

The affidavit 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 General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies.
- 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.
- (8) The information identified...is classified as proprietary because it contains details of GE's [General Electric's] advanced fuel design.

The development of the advanced fuel design, along with the testing, development and approval of the supporting methodology was achieved at a significant cost, on the order of several million dollars, to GE.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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.

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H. L. Sumner, Jr.

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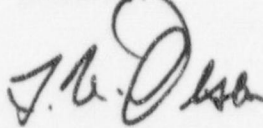
Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 301-415-1419.

Sincerely,



Leonard N. Olshan, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-366

cc: See next page

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Sincerely,

Original signed by:

Leonard N. Olshan, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-366

cc: See next page

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Edwin I. Hatch Nuclear Plant

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