

August 22, 2003

Mr. David J. Robare
General Electric Company
Project Manger, Regulatory Services
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2 RE: REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS.
MB7026 AND MB7027)

Dear Mr. Robare:

By letter dated April 7, 2003, Southern Nuclear Operating Company, Inc., submitted an affidavit dated March 12, 2003, executed by David J. Robare, you requested that portions of the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Southern Company letter NL-03-0704, "Edwin I. Hatch Nuclear Plant - Measurement Uncertainty Recapture Power Uprate (MURPU) Request for Additional Information (RAI) Response," dated April 7, 2003. Specifically, you indicated that your response to RAIs RBS 4 and RSB 6 contained proprietary information. Further, you indicated that the NRC staffs RAI RSB 4 contained proprietary information.

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Publicly Available Records System Library.

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

- 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.

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.

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.

Mr. David J. Robare

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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 301-415-1313.

Sincerely,

/RA/

Steven D. Bloom, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

cc: See next page

Mr. David J. Robare

-2-

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Steven D. Bloom, Project Manager, Section 1
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Division of Licensing Project Management
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DOCUMENT NAME: G:/HATCH\MB7206 RAI2 PROPRIETARY APPROVAL LETTER.WPD

ORIGINATOR: S. Bloom

SECRETARY: M. Wohl

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (ROBARE LETTER)

DATE: July 31, 2003

TIME SENSITIVE DATE:

*****ROUTING LIST*****

<u>NAME</u>	<u>DATE</u>
1. <u>S. Bloom</u>	<u>/ /03</u>
2. <u>C. Hawes</u>	<u>/ /03</u>
3. <u>SRXB</u>	<u>/ /03</u>
4. <u>EMEB</u>	<u>/ /03</u>
5. <u>J.Nakoski</u>	<u>/ /03</u>
6. <u>Secretary</u>	<u>/ /03</u>

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NRR-088 (RAI) _____

NRR-028 (Relief) _____

NRR-106 (Letters, Memo, Sholly) _____

NRR- (Other) _____

Enter dates, concurrences, etc. (Secy) _____

QC profile and declare Official Record (RC) _____

☐ return incoming/background to licensing assistant/project manager

Edwin I. Hatch Nuclear Plant

cc:

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