



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

August 14, 2013

Mr. Joseph G. Henry
President
Nuclear Fuel Services
1205 Banner Hill Road
Erwin, TN 37560

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Henry:

This refers to your letter of July 18, 2013, which forwarded the results of the third party nuclear safety culture assessment that was performed at Nuclear Fuel Services (NFS). The assessment was performed in response to a November 16, 2010, Confirmatory Order issued by the U.S. Nuclear Regulatory Commission (NRC). Enclosed with your letter was an affidavit executed by Mark Elliott of your staff, and requesting that the entire assessment report be withheld from public disclosure as trade secrets/commercial information pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390.

Section 2.390(b)(1)(iii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons and bases for which non-disclosure is being requested. The section also requires the statement to "address with specificity" the considerations listed in 10 CFR 2.390(a)(4).

Your affidavit has been reviewed in light of the foregoing and the following issues of concern were identified:

- NFS states that "The information contained in the document has been held in confidence by NFS, in that it contains trade secrets or commercial information." Please explain with greater specificity: (1) how the safety culture assessment constitutes a trade secret, and (2) your basis for stating that this information has been held in confidence when prior safety culture assessments of NFS have been made publicly available.
- NFS states that "The information contained in the document is the intellectual property of NFS." Please explain, with greater specificity, your basis for concluding that the assessment is intellectual property, and your basis for distinguishing this assessment from prior assessments that were submitted on the docket without qualification.
- To the extent that the assessment contains "distinguishing aspects of a process, methodology or component(s)..." please explain what those processes, methodologies, and components are, and whether these aspects may be redacted or separated from the factual aspects of the assessment so that some portion(s) of the document may be made publicly available.

Accordingly, consideration should be given to supplementing the present record with additional information to address the above concerns. Given the current state of the record, we are unable to conclude at this time that your affidavit is sufficient, and the grant of protection from disclosure afforded by 10 CFR 2.390 is warranted.

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be made publicly available 30 days after your receipt of this letter. If you have any questions regarding this matter, I may be reached at 404-997-4415.

Sincerely,

/RA/

Alan J. Blamey, Chief
Fuel Facility Inspection Branch 1
Division of Fuel Facility Inspection

Docket No. 70-143
License No. SNM-124

cc:

Joel Duling
Director, Operations
Nuclear Fuel Services, Inc.
Electronic Mail Distribution

Mark P. Elliott
Quality, Safety, & Safeguards Director
Nuclear Fuel Services, Inc.
Electronic Mail Distribution

Debra G. Shults
Director,
TN Department of Environment
and Conservation
Electronic Mail Distribution

Accordingly, consideration should be given to supplementing the present record with additional information to address the above concerns. Given the current state of the record, we are unable to conclude at this time that your affidavit is sufficient, and the grant of protection from disclosure afforded by 10 CFR 2.390 is warranted.

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be made publicly available 30 days after your receipt of this letter. If you have any questions regarding this matter, I may be reached at 404-997-4415.

Sincerely,

/RA/

Alan J. Blamey, Chief
Fuel Facility Inspection Branch 1
Division of Fuel Facility Inspection

Docket No. 70-143
License No. SNM-124

cc:
Joel Duling
Director, Operations
Nuclear Fuel Services, Inc.
Electronic Mail Distribution

Mark P. Elliott
Quality, Safety, & Safeguards Director
Nuclear Fuel Services, Inc.
Electronic Mail Distribution

Debra G. Shults
Director,
TN Department of Environment
and Conservation
Electronic Mail Distribution

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE

ADAMS: Yes ACCESSION NUMBER: ML13227A206 SUNSI REVIEW COMPLETE FORM 665 ATTACHED

OFFICE	RII:DFFI	RII:DFFI					
SIGNATURE	/RA/	/RA/					
NAME	C. Taylor	A. Blamey					
DATE	8/ 6 /2013	8/ 14 /2013					
E-MAIL COPY	YES NO	YES NO					