



U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

DCS-NRC-000375
3 June 2014

Subject: Docket Number 070-03098
Shaw AREVA MOX Services
Mixed Oxide Fuel Fabrication Facility
Review of MOX Documents for Public Release

The purpose of this letter is to respond to an NRC request for review of the MOX Services documents listed below to determine whether they contain any company proprietary or any other information as specified in 10 CFR 2.390 requiring them to be withheld from the public. This request was discussed between Bill Gloersen of the NRC and our Regulatory Compliance Manager on 14 May 2014.

1. PP 9-18, Revision 5, Commercial Grade Item Evaluations
2. Survey Report, HIL-11-VE128, Hilti Entwicklungsgesellschaft MBH, dated January 24-25, 2011
3. E-mail from Robert Bruce to Dennis R. Ivey, Subject: Hilti Survey, dated February 8, 2011 (this email is an attachment to item 2)
4. Commercial Grade Item Evaluation for Hilti HIT-RE 500 and HIT-RE 500-SD Epoxy Adhesives, DCS01-WWJ-DS-CGD-M-65973-2, Quality Level QL-1, dated December 13, 2010
5. Commercial Grade Item Evaluation for Hilti HIT-RE 500 and HIT-RE 500-SD Epoxy Adhesives, DCS01-WWJ-DS-CGD-M-65973-3, Quality Level QL-1, dated February 23, 2011

Our review indicates that Item 2 contains confidential commercial vendor information which was divulged to MOX Services based on the premise that it would be maintained confidential. It should be withheld from public disclosure pursuant to 10 CFR 2.390 for content of proprietary information. An affidavit attesting to the proprietary nature of Item 2 is provided as Enclosure (1).

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If you have any questions, please feel free to contact me at (803) 819-2156 or our Regulatory Compliance Manager, Laurie Wood at (803) 819-8665.

Sincerely,



Kelly Trice
President and COO

Enclosure:

(1) Affidavit Pursuant to 10 CFR 2.390(b)

cc :

Scott Cannon, NNSA/SRS
Sam Glenn, NNSA/SRS
William Gloersen, USNRC/RII
Dealis Gwyn, MOX Services
Deborah Seymour, USNRC/RII
Melvin Shannon, USNRC/SRS
David Tiktinsky, USNRC/HQ
Rodney Whitley, MOX Services
Bryan Wilkes, MOX Services
Laurie Wood, MOX Services
Lauren Wylie, MOX Services
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AFFIDAVIT PURSUANT TO 10 CFR 2.390(b) (1)

1. I am the President and COO of Shaw AREVA MOX Services, LLC (MOX Services), and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with design and licensing of the Mixed Oxide Fuel Fabrication Facility (MFFF); and I am authorized on the part of MOX Services to apply for this withholding.
2. I am making this affidavit in conformance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with MOX Services' application for withholding that accompanies this affidavit.
3. I have knowledge of the criteria used by MOX Services in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b) (4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned by MOX Services, its partners, affiliates, and/or approved suppliers, and has been held in confidence by the same.
 - (ii) The information is of a type that would customarily be held in confidence by MOX Services, its partners, affiliates, and/or approved suppliers. The information consists of design details and processing methods and mechanisms relative to a method of processing that provides a competitive advantage to MOX Services, its partners, affiliates, and/or approved suppliers.
 - (iii) The information was transmitted to the NRC in confidence and, under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.
 - (iv) The information sought to be protected is not available in public to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is marked. This information describes MOX Services' design for the MFFF. This information enables MOX Services, its partners, affiliates, and/or approved suppliers to support the license application for the MFFF.

- (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to MOX Services, its partners, affiliates, and/or approved suppliers.
 - (a) It allows MOX Services to reduce vendor and consultant expenses associated with supporting the licensing of fuel fabrication plants.
 - (b) MOX Services may sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the licensing of fuel fabrication plants.
 - (c) The subject information could only be duplicated by competitors at similar expense to that incurred by MOX Services, its partners, affiliates, and/or approved suppliers.

- 5. Public disclosure of this information is likely to cause harm to MOX Services, its partners, affiliates, and/or approved suppliers because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing MOX Services, its partners, affiliates, and/or approved suppliers to recoup a portion of its expenditures or benefit from the sale of the information.

Kelly Trice, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.

Kelly Trice
Kelly Trice, President and COO

Subscribed and sworn to on this 3RD day of JUNE, 2014

Marie V. Walton
Notary Public

My Commission Expires:

OCTOBER 5, 2014

