



HITACHI

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Proprietary Information Notice

Attachment 2 to this letter contains and forwards GEH company ~~proprietary information which is to be withheld from public disclosure~~ in accordance with 10CFR2.390 and RIS 2005-31. Upon removal of Attachment 2, the balance of this letter may be made public.

SPM 14-029

August 1, 2014

Ms. Breeda Reilly, Project Manager
Conversion, Deconversion and MOX Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Document Control Desk

Dear Ms. Reilly:

Subject: GEH Vallecitos Decommissioning Funding Plan Supplemental Information

References: 1) NRC License SNM-960, Docket Number 70-754
2) SNM-960 License Renewal Application – T.A. Caine, 12/13/13
3) GEH Letter – Revised VNC Decommissioning Funding Plan, S.P. Murray to NRC Document Control Desk, 1/31/14
4) NRC E-mail - VNC DFP Information Request, B. Reilly to S.P. Murray, 6/17/14
5) GEH/NRC Meeting to Discuss DFP, 6/25/14

Attachment 2 to this letter provides supplemental information regarding the Vallecitos Nuclear Center (VNC) decommissioning funding plan (DFP) submitted on January 31, 2014 (Reference 3). This supplement provides the information identified by the NRC described in your June 17, 2014 e-mail (Reference 4) and as we discussed in our June 25, 2014 meeting (Reference 5).

Please note the supplemental information contains company confidential and proprietary information and is requested to be withheld from public disclosure in accordance with 10 CFR 2.390 and RIS 2005-31.

Please contact me on (910) 819-5950 if you have any questions or would like to discuss this matter further.

Sincerely,

Scott P. Murray, Manager
Facility Licensing

Commitment: None

Attachments: 1) Affidavit
2) VNC DFP Supplemental Information

CC: P. Silva, NRC NMSS
K. Kline, NRC FSME
L. Chang, NRC FSME

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, **Scott P. Murray**, state as follows:

- (1) I am the Manager, Licensing & Liabilities of GE-Hitachi Nuclear Energy (GEH), and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is provided as Attachment 2 to GEH's letter, SPM 14-029, Scott P. Murray to Breeda Reilly, entitled GEH Vallecitos Decommissioning Funding Plan Supplemental Information, August 1, 2014. GEH proprietary information is contained in Attachment 2 and is identified by the statement "GEH Proprietary Information Withhold from Public Disclosure Pursuant to 10CFR 2.390."
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH relies upon the exemption from disclosure set forth in the Freedom of Information Act (FOIA), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for trade secrets (Exemption 4). The material for which exemption from disclosure is here sought also qualifies under the narrower definition of trade secret, within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over GEH and/or other companies.
 - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, that may include potential products of GEH.
 - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GEH, 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 GEH, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH.

