



# HITACHI

**GE Hitachi Nuclear Energy**

**Scott P. Murray**  
Manager, Facility Licensing

3901 Castle Hayne Road  
P.O. Box 780  
Wilmington, NC 28402  
USA

T (910) 819-5950  
Scott.murray@ge.com

**~~Security Related and Proprietary Information Notice~~**

Attachment 2 contains ~~security related information~~ and Attachments 3 thru 7 to this letter contain GE-Hitachi Company ~~proprietary information which are to be withheld from public disclosure in accordance with 10CFR2.390~~. Upon removal of Attachments 2 thru 7 the balance of this letter may be made public.

SPM 16-010

February 26, 2016

Osiris Siurano-Perez, Project Manager  
Enrichment and Conversion Branch  
Division of Fuel Cycle Safety, Safeguards  
and Environmental Review  
Office of Nuclear Material Safety  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Attn: Document Control Desk

Subject: SNM 960 License Renewal Application RAI Responses

References:

- (1) NRC License SNM-960, Docket 70-754, Cost Activity Code L36034
- (2) SNM-960 License Renewal Application Revision – T. A. Caine, 3/18/15
- (3) Letter O. Siurano-Perez, NRC to T. A. Caine, Request for Additional Information, 1/27/16
- (3) SNM-960 License Renewal Application Revision – T.A. Caine, 2/26/16

GE - Hitachi Nuclear Energy Americas LLC (GEH) hereby responds to NRC's Request for Additional Information (Reference 3) regarding the renewal of Special Nuclear Materials License SNM-960 for the Vallecitos Nuclear Center (VNC). A revised SNM 960 license renewal application is being submitted under separate cover letter (Reference 4).

Please note Attachment 2 to this letter contains security related information and Attachments 3 through 7 contain company proprietary information and are requested to be withheld from public disclosure.

Please contact Tom Caine at 925-918-6018 or me if there are questions regarding this information.

Sincerely,

Scott P. Murray, Manager  
Facility Licensing

Commitments: None

Attachments:

1. Affidavit
2. GEH SNM 960 License Renewal Application RAI responses (Contains Security Related Information)
3. GEH Staff Organization Charts (Contains Proprietary Information)
4. GEH NOS Organization Chart (Contains Proprietary Information)
5. GEH Safe Mass Limit Criticality Safety Analysis (Contains Proprietary Information)
6. GEH Equivalence Factor Criticality Safety Analysis (Contains Proprietary Information)
7. GEH GEMER Validation Report (Contains Proprietary Information)

## Attachment 1

GE-Hitachi Nuclear Energy

### AFFIDAVIT

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

- (1) I am the Manager, Facility Licensing of GE-Hitachi Nuclear Energy (GEH) and have been delegated the function by GEH 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 contained in Attachments 3 through 7 to GEH's letter, SPM 16-010, Scott P. Murray to Osiris Siurano-Perez, Division of Fuel Cycle Safety, Safeguards and Environmental Review entitled SNM 960 License Renewal Application RAI Responses. GEH proprietary information is contained in Attachments 3 through 7 and is identified by the statement "Contains GEH Proprietary Information".
- (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.
- (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.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory

