

July 5, 2016

Michael G. Lenio, Director of Quality
ASCO Valve, Inc.
1561 Columbia Hwy N
Aiken, SC 29801

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
ASCO VALVE, INC.

Dear Mr. Lenio:

By letter dated June 9, 2016, you submitted an affidavit dated June 9, 2016, executed by yourself, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390:

REPLY TO NOTICE OF NONCONFORMANCE ASCO VALVE, INC., DOCKET
NO. 99901054 VENDOR INSPECTION REPORT 99901054/2016-201

10 CFR 2.390(b)(1)(ii) requires that each supporting affidavit contain a full statement of the reasons for withholding information from public disclosure. Further, 10 CFR 2.390(b)(1)(iii) provides that when dealing with a request for withholding trade secrets and commercial information, the affidavit must contain a "full statement" that addresses "with specificity" the considerations listed in 10 CFR 2.390(b)(4). Finally, 10 CFR 2.390(b)(1)(i)(B)(ii)(E) requires the affidavit to indicate the location(s) in the document of all information sought to be withheld.

My staff has reviewed your affidavit in light of the aforementioned regulations. My staff identified the following deficiencies:

1. The affidavit (Attachment 3) identifies the location of the information sought to be withheld from public disclosure as consisting of the bracketed information in Attachment 2. Yet some pages in Attachment 2 are marked with "confidential information submitted under 10 CFR § 2.390 / withhold from public disclosure under 10 CFR § 2.390" even though those pages do not contain any brackets. Please confirm that the Nuclear Regulatory Commission (NRC) can release those pages. Also, please resubmit Attachment 2 with revised page markings that only have that "confidential" markings on the pages that contain bracketed information.
2. The affidavit's assertion that the bracketed information in Attachment 2 contains confidential business and financial information is insufficient for the NRC to determine if the request satisfies the 10 CFR 2.390(b)(4) factors. First, the affidavit fails to show that the information sought to be withheld is held in confidence by ASCO. For instance, it is public knowledge that the mentioned suppliers are suppliers of elastomers and O-rings. Using keywords such as "o-ring suppliers" in an internet search engine yields a page for O-ring manufacturers and suppliers on a website called Industrial Quick Search that lists two of the elastomer manufacturers named in NRC Inspection Report (IR) 99901054/2016-20. Further, ASCO's "Nuclear Catalog," which is readily available

on the internet, states the chemical names of elastomers used in valve construction—this can be correlated to elastomer suppliers' product information, which is also posted on the internet. Second, ASCO failed to provide a basis to support its assertion that the disclosure of the information would likely cause harm to its competitive position.

Accordingly, ASCO should consider supplementing the present record with additional information, as noted below:

- Confirm that ASCO seeks to withhold only the bracketed information and resubmit Attachment 2 with revised page markings that only have that "confidential" marked on the pages that contain bracketed information.
- Provide a detailed explanation of any reasons why the bracketed information constitutes proprietary information.
- NRC IR 99901054/2016-201 refers by name to ASCO's suppliers sought to be withheld from public disclosure in the aforementioned affidavit. At the time of the inspection exit, the inspectors were not aware that ASCO considered their suppliers as proprietary information. If ASCO would like the names of their suppliers to be withheld from public disclosure in IR 99901054/2016-201, then please include this in your revised affidavit request.

For more information regarding request for withholding under 10 CFR 2.390, please review NRC Regulatory Issue Summary (RIS) 2004-11, "Supporting Information Associated with Request for Withholding Proprietary Information," dated June 29, 2004, and NRC RIS 2014-01, "Regulatory Requirements for Withholding of Proprietary Information from Public Disclosure," dated January 10, 2014.

In accordance with 10 CFR § 2.390(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter, unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit meeting the requirements of 10 CFR § 2.390(b). If you request that the information be withdrawn, then the NRC will consider your withdrawal request in accordance with 10 CFR § 2.390(c)(3).

If you have any questions regarding this matter, I may be reached at 301-415-3215.

Sincerely,

/RA/

Richard P. McIntyre, Acting Chief
Quality Assurance Vendor Inspection Branch-2
Division of Construction Inspection
and Operational Programs
Office of New Reactors

Docket No: 99901054

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DISTRIBUTION:

See next page.

ADAMS Accession No. ML16176A070

*via e-mail

NRO-002

OFC	NRO/DCIP/QVIB-2	OGC/GCLR/LCLSP	NRO/DCIP/QVIB-2
NAME	ETorres (LMicewski for)	JSuttenberg*	RMcIntyre
DATE	07/05/16	07/05/16	07/05/16

Letter to Michael G. Lenio from Richard P. McIntyre dated July 5, 2016

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ASCO VALVE, INC.

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