



HITACHI

GE Hitachi Nuclear Energy

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~~Proprietary Information Notice~~

~~Attachment 2 to this letter contains GE Hitachi Company proprietary information which is to be withheld from public disclosure in accordance with 10 CFR 2.390 and RIS 2005-31. Upon removal of Attachment 2 the balance of this letter may be made public.~~

M170117

June 13, 2017

Director, Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Document Control Desk

Subject GEH Responses to the NRC Requests for Additional Information for Review of the Model No. 2000 Package

References: 1) Letter, Chris Allen (NRC) to Scott Murray (GEH), Subject: Request for Additional Information for Review of the Model No. 2000 Package," August 17, 2016.
2) Letter, Scott P. Murray (GEH) to NRC Document Control Desk, Subject: GEH Request for Renewal - Certificate of Compliance No. 9228 for the Model No. 2000 Package, Docket No. 71-9228, SPM 16-015, April 28, 2016.

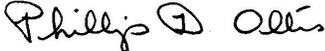
Dear Sir or Madam:

This letter transmits, in Attachment 2, the GE Hitachi Nuclear Energy (GEH) responses to the Nuclear Regulatory Commission (NRC) Requests for Additional Information (RAIs) (Reference 1) for the Model No. 2000 transportation package submittal provided in Reference 2.

Please note that Attachment 2 contains proprietary information of the type that GEH maintains in confidence and withholds from public disclosure. The affidavit contained within Attachment 1 identifies that the designated information in Attachment 2 has been handled and classified as proprietary to GEH. GEH hereby requests that the information in Attachment 2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17. Attachment 3 is the non-proprietary version of Attachment 2.

Please contact Andreas Heppner at 910-819-5656 or myself, if there are questions regarding this information.

Sincerely,

 for SPM

Scott P. Murray, Manager
Facility Licensing

Commitments: None

Attachments: 1. Affidavit
2. Responses to the NRC RAIs for the Model No. 2000 Transportation Package (Contains Company Proprietary Information)
3. Responses to the NRC RAIs for the Model No. 2000 Transportation Package (Redacted Public Version)

cc: J. McKirgan, NRC SFM, Washington, D.C.
C. Allen, NRC SFM, Washington, D.C.
SPM 17-023 002N6203

Attachment 1

GE-Hitachi Nuclear Energy

AFFIDAVIT

I, **Phillip D. Ollis**, state as follows:

- (1) I am the Facility Licensing Engineer 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 Attachment 2 to GEH's letter, M170117, Scott P. Murray to Director, Division of Spent Fuel Management entitled "GEH Responses to the NRC Requests for Additional Information for Review of the Model No. 2000 Package." GEH proprietary information is contained in Attachment 2, and is identified by the statement "GE Hitachi 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

