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GE Hitachi Nuclear Energy

Proprietary Information Notice

Attachment 2 to this letter contains GE Hitachi Nuclear Energy 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.

Scott P. Murray

Manager, Facility Licensing

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M180008

January 9, 2018

Docket: 71-9228

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 Revision 2 of GEH Safety Analysis Report for Certificate of Compliance Renewal of the Model No. 2000 Package

- References:
- 1) Model No. 2000 Shipping Cask – Certificate of Compliance Number 9228 Rev 26, Docket Number 71-9228, Package Identification USA/9228/B(U)F-96
 - 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
 - 3) Letter, Scott P. Murray (GEH) to NRC Document Control Desk, Subject: GEH Revised Safety Analysis Report for Certificate of Compliance Renewal of the Model No. 2000 Package, September 29, 2017

Dear Sir or Madam:

GE Hitachi Nuclear Energy (GEH) hereby submits a revised consolidated Safety Analysis Report (SAR) for the Model No. 2000 Radioactive Material Transport Package (References 1 and 2). These limited SAR changes (Revision 2) were made to Revision 1 of the SAR transmitted via Reference 3.

The revised consolidated SAR has been designated as NEDE-33866P Revision 2 and is provided as Attachment 2 to this letter. Please note that this version of the SAR contains GEH proprietary information requested to be withheld from public disclosure (Attachment 1) in accordance with the provisions of 10 CFR 2.390 and RIS 2005-31. A redacted public version of the SAR designated as NEDO-33866 Revision 2 is provided as Attachment 3 to this letter.

Please contact Ted Draffen at 910-819-5760 or myself, if there are any questions.

Sincerely,

Scott P. Murray, Manager
Facility Licensing

Commitments: None

Attachments: 1. Affidavit
2. NEDE-33866P, Model 2000 Radioactive Material Transport Package Safety Analysis Report, Revision 2, December 2017 – GEH Proprietary Information
3. NEDO-33866, Model 2000 Radioactive Material Transport Package Safety Analysis Report, Revision 2, December 2017 – Non-Proprietary Information

cc: J. McKirgan, NRC SFM, Washington, D.C.
C. Allen, NRC SFM, Washington, D.C.
PLM Specification 004N4757 R1
SPM 18-002

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 Attachment 2 to GEH's letter, M180008, Scott P. Murray to Director, Division of Spent Fuel Management entitled "Revision 2 of GEH Safety Analysis Report for Certificate of Compliance Renewal of the Model No. 2000 Package." GEH proprietary information is contained in Attachment 2 and is identified by the statement "GEH Proprietary Information - Class II (Internal)".
- (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

Attachment 1

effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary and/or confidentiality agreements.


- (8) The information identified in paragraph (2) above is classified as proprietary because it contains details of GEH's processes, design and manufacturing facilities.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The facility design and licensing methodology is part of GEH's comprehensive safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GEH would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

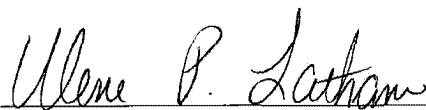
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of January 2018.


 Scott P. Murray
 GE Hitachi Nuclear Energy

STATE OF NORTH CAROLINA)
)
 COUNTY OF NEW HANOVER)

Subscribed and sworn to me, a Notary Public, in and for the State of North Carolina, this 9th day of January 2018.



 Notary Public in and for the
 State of North Carolina

My Commission Expires: June 23, 2018

