



Global Nuclear Fuel

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Scott P. Murray
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Proprietary Information Notice

This letter forwards proprietary information to be withheld from public disclosure in accordance with 10CFR2.390. Upon removal of Attachment 2, the balance of this letter may be made public.

M180077

April 6, 2018

Tom Vukovinsky
US Nuclear Regulatory Commission, Region II
245 Peachtree Center Avenue, NE
Atlanta, GA 30303-1257

Attn: Document Control Desk

Subject: NRC Region II Requested Document

Reference: 1) NRC License SNM 1097, Docket 70-1113
2) NRC GNF-A Confirmatory Order EA-17-090, 12/14/17
3) Letter A. Hilton to C. Haney, 2/12/2018
3) Letter S.P. Murray to E. Michel, NRC Region II Requested Document, 3/16/18
4) Phone Request T. Vukovinsky to S. P. Murray, 4/5/18

Dear Mr. Vukovinsky:

Attached is the documentation as listed below, that you have requested. This document contains GE Hitachi Nuclear Energy (GEH) Proprietary Information and should be protected accordingly. It is our understanding that you will protect this document from public disclosure.

- 1) GNF-A Breakout Data from 2017 Nuclear Safety Culture Assessment (Proprietary)

If you have any questions concerning this information, please call me at (910) 819-5950.

Sincerely,


Scott P. Murray, Manager
Facility Licensing

Attachment(s): 1. Affidavit
2. GNF-A Breakout Data from 2017 Nuclear Safety Culture Assessment
(Contains Company Proprietary)

Cc: SPM 18-027

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 GNF-A's letter, M180077, Scott P. Murray to Tom Vukovinsky, NRC Region II entitled "NRC Region II Requested Document". GEH proprietary information is contained in Attachment 2 and is identified by the statement "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. Access to such documents within GEH is limited to a "need to know" basis.
- (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 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.

