



# HITACHI

## GE Hitachi Nuclear Energy

Tom A. Caine  
Site Manager

6705 Vallecitos Road  
Sunol, California 94586  
USA

T(925) 862-4344  
F(910) 341-2879  
thomas.caine@ge.com

**Proprietary Information Notice**

*Attachments 4-6 to this letter contain proprietary information to be withheld from public disclosure in accordance with 10CFR2.390. The balance of this letter may be made public upon the removal of Attachments 4-6.*

TAC 13-003

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

Attn: Document Control Desk

November 27, 2013

Subject: GEH Request for Special Authorization to Use the Model No. 2000 Package, Docket No. 71-9228

References:

- 1) Model 2000 Shipping Cask – Certification Number 9228 Rev 25, Docket Number 71-9228, Package Identification USA/9228/B(U)F-96, Rev 25
- 2) NRC/GEH Telecom, 11/25/13

Dear Sir or Madam:

As discussed with NRC Spent Fuel Storage and Transportation staff on November 25, 2013, attached is GE-Hitachi Nuclear Energy's request for a special authorization to use the Model No. 2000 package for an upcoming radioactive material shipment in mid-January 2014. NRC review and approval within 30 days is requested.

Please contact Bryce MacDonald at 910-819-6537 or myself if there are questions regarding this request.

Sincerely,

Tom Caine,  
VNC Site Manager

U.S. Nuclear Regulatory Commission  
November 27, 2013

Commitments: None

Attachments: 1) Affidavit  
2) GEH Model No. 2000 Special Authorization Request  
3) Drawing Number 183C8356  
4) Drawing Number 147C8410  
5) Drawing Number 147C8411  
6) Drawing Number 147C8414

## Attachment 1

### 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 an attachment to GEH's letter, dated 11/27/13, TAC 13-003, Tom Caine to Director, Division of Spent Fuel Storage and Transportation entitled GEH Request for Special Authorization to Use the Model No. 2000 Package, Docket No. 71-9228. GEH proprietary information is contained in Attachments 4- 6, 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. 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

**Attachment 1**

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.

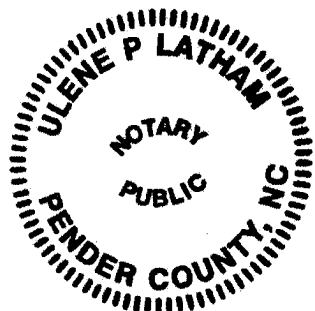
I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.


Executed on this 27th day of November, 2013.

  
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 27th day of November, 2013.



  
\_\_\_\_\_  
Notary Public in and for the  
State of North Carolina

My Commission Expires: June 23, 2018

## **Attachment 2**

### **Special Authorization Request for Shipment of Nine Cobalt Rods from a US Customer Reactor Site to Vallecitos Nuclear Center**

#### **Package Information**

Model 2000 Shipping Cask – Certification Number 9228 Rev 25, Docket Number 71-9228, Package Identification USA/9228/B(U)F-96, Rev 25

#### **Packaging Description**

The shipping container to be used in this special authorization request is the Model No. 2000 as described in section 5(a)(1) and (2) of NRC Certificate of Compliance (CoC) 9228 Rev 25. The internal configuration to be used is the Barrel Rack (Drawing 166D8066, Rev 3) specified in CoC section 5(a)(3)(v) and Material Basket (Drawing 183C8356, Rev 3) specified in CoC section 5(a)(3)(vi).

#### **Contents Type and Form**

Solid byproduct material as described in section 5(b)(1)(ii) of certificate, 9228 Rev 25; Specifically, cobalt-60 double encapsulated in zircalloy tubing.

#### **Maximum Quantity of Material per Package**

Maximum quantity of material for this shipment will be less than 600 watts decay heat as described in CoC section 5(b)(2)(ii). Radioactivity for cobalt-60 will be less than or equal to 7000 curies and radioactivity for Zr/Nb-95 will be less than 100 curies.

#### **Shipping Configuration**

Nine double encapsulated zircalloy rods containing irradiated cobalt pellets will be placed in two separators. The two separators (Drawing 147C8410 Rev 0 and 147C8411 Rev 0) along with the basket filler (Drawing 147C8414 Rev 0) will be stacked inside of the material basket (Drawing 183C8356, Rev 3). The basket filler will be placed in last to keep the segmented rods low in the material basket. The material basket will be inside of the barrel rack (Drawing 166D8066, Rev 3) specified in CoC section 5(a)(3)(iv). The combination of the double zircalloy tubes, designed for operation in a BWR core, contained in the separators and positioned in the material basket by the nine inch long solid aluminum basket filler provides a robust arrangement to assure that the cobalt-60 material remains approximately seven inches inside the barrel rack under accident conditions.

#### **Date and Duration of Special Use**

This shipment will be loaded at the customer reactor site in early January 2014 and shipped by the end of January 2014 to Vallecitos Nuclear Center.

#### **Reason for Special Authorization Request**


To communicate specifics on January 2014 planned shipment using CoC 9228 Rev 25, which is under revision and to receive approval for this shipment using a basket filler upper end plug (Drawing 147C8414 Rev 0) to limit the axial movement of the contents in the barrel rack. For this shipment due to the limited quantity of material, the basket filler upper end plug is considered as shoring per CoC 9228 Rev 25 section 13.

Attachment 3

Drawing Revision 183C8356

Security-Related Information  
Figure Withheld Under 10 CFR 2.390

4		3		2		1	
D							D
C							C
B							B
A							A
4		3		2		1	
						c	

SAFETY RELATED CLASSIFICATION CODE <u>Q</u>		 <b>HITACHI</b>
APPROVALS	DATE	
L. MEKK	07/26/1994	MATERIAL BASKET CERTIFICATION DWG
R. POMARES	07/26/1994	
N/A		
UNLESS OTHERWISE SPECIFIED FOR FRANCIS ONE		07/26/1994
3 PLACE DECIMALS & .00		183C8356
3 PLACE DECIMALS & .010		3
N/A		1
N/A		F