



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 7, 2020

Mr. Timothy J. Tate, Manager
Environmental, Health, Safety & Licensing
Framatome, Inc.
2101 Horn Rapids Road
Richland WA 99354-5102

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE—ANNUAL ISA SUMMARY UPDATES

Dear Mr. Tate:

This is regarding your letter dated January 23, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML20028D806), providing Framatome's Integrated Safety Analysis (ISA) Summary Annual Update. The U.S. Nuclear Regulatory Commission (NRC) licensing staff conducted a preliminary review of your submittal and referred it to the NRC Region 2 inspection staff for further evaluation and follow-up, as needed. The NRC staff acknowledged its receipt of your submittal via electronic communication to you dated March 2, 2020 (ADAMS Accession Number ML20064F835).

Attachment B of your letter was an affidavit dated January 23, 2020. The affidavit, executed by you, requested that the NRC withhold proprietary information contained in the two compact discs (CDs) enclosed with your letter, from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholding." In the affidavit, you requested that the information in the Annual ISA Summary Update provided in the CDs be considered exempt from mandatory public disclosure for the following reasons:

1. The Annual ISA Summary Update contains commercial information of a confidential nature that is not available in public sources or available to the public. Sections also contain information that is considered security sensitive in accordance with USNRC RIS 2005-31. This information contained in the Annual ISA Summary Update is commercial and confidential because it:
 - a. Reveals distinguishing aspects of Framatome's manufacturing processes by relating sequences of operations and/or sub-operations to optimize the efficiency and performance of manufacturing operations which a competitor within the field of nuclear fuel manufacturing may adapt for their own processes, reducing the competitor's expenditure of resources to achieve the same efficiencies, thereby gaining a competitive advantage to the disadvantage of Framatome.
 - b. Reveals the use of process chemical additives for the enhancement of chemical processes which are believed to be unique in the industry both in terms of type and application, which if revealed to a competitor would provide for an unfair competitive advantage by reducing any expenditure by the competitor to develop and test the same concepts.

- c. Reveals aspects of privately funded development of process controls and parameters derived by Framatome over the course of optimizing the performance of waste treatment and other processes.
 - d. Reveals technical rationale developed by Framatome relating to plant layout, structure, process flow and other technical information which a competitor could readily use without expenditure of funds and replicate in its facilities thereby gaining a competitive advantage to the disadvantage of Framatome.
2. Framatome Inc. will suffer considerable competitive harm if the contents of the license amendment package are made available to Framatome domestic and international competitors. Finally, this material cannot be reasonably segregated from other material which may not meet the criteria set forth in 10 CFR 2.390.

We have reviewed your application and submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the version of the submitted information marked as proprietary will be withheld from the public disclosure pursuant to 10 CFR 2.390(b), and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room, or from the Publicly Available Records component of the NRC's ADAMS. ADAMS is accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this matter, please contact me at (301) 415-7827, or via e-mail to Osiris.Siurano-Perez@nrc.gov.

Sincerely,

Osiris Siurano-Perez, Project Manager
Fuel Facility Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-1257
License No. SNM-1227

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DATED: May 7, 2020

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