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Datum	08.10.2021

**Your reference: Docket No. 71-9388 and EPID No. L2020-NEW-0003**

**Our reference: 0045-SVK-2021-005**

**Subject: Application for withholding proprietary information from public disclosure**

Submittal of Document: Response to your RSI (reference Docket No. 71-9388, EPID No. L2020-NEW-0003).

Reference: Orano NCS GmbH letter 0045-SVK-2021-004 dated October 8<sup>th</sup>, 2021

The Application for Withholding Proprietary Information from Public Disclosure is submitted by Orano NCS GmbH (ONCS), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to ONCS and customarily held in confidence.

The proprietary material for which withholding is being requested is the Specification 0045-SPZ-2021-001-Rev1 and the Drawings and Parts lists 0045-STL-1000-000-Rev1 and 0045-STL-2000-000-Rev1. In conformance with 10 CFR Section 2.390, Affidavit 0045-SVK-2021-005 accompanies response letter 0045-SVK-2021-004.

Accordingly, it is respectfully requested that the subject information that is proprietary to ONCS be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

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**Orano NCS GmbH, Margarete-von-Wrangell-Straße 7, 63457 Hanau, Deutschland**

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Aufträge werden auf Grundlage unserer Allgemeinen Geschäftsbedingungen übernommen. Diese stehen Ihnen auf Wunsch zur Verfügung.

Correspondence with respect to the response letter or the accompanying affidavit should reference 0045-SVK-2021-004 and should be addressed to Franz Hilbert, Chief Operating Officer (COO), Orano NCS GmbH, Margarete-von-Wrangell-Str. 7, 63450 Hanau, Germany.

Sincerely,

**Orano NCS GmbH**

Franz Hilbert  
COO

Yara van Wijk  
Project Manager

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Enclosure: Affidavit

## AFFIDAVIT

- (1) I am the COO of Orano NCS GmbH, "ONCS", and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with ONCS submittals to NRC, and am authorized to apply for its withholding on behalf of ONCS.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the ONCS "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by ONCS in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by ONCS.
  - (ii) The information is of a type customarily held in confidence by ONCS and not customarily disclosed to the public. ONCS has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute ONCS policy and provide the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

    - (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of ONCS's competitors without license from ONCS constitutes a competitive economic advantage over other companies.
    - (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
    - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
    - (d) It reveals aspects of past, present, or future ONCS or customer funded development plans and programs of potential commercial value to ONCS.

- (e) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the ONCS system which include the following:

- (a) The use of such information by ONCS gives ONCS a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the ONCS competitive position.
- (b) It is information that may provide ONCS's competitors with information on the methods and procedures that ONCS uses to fulfill regulatory and licensing obligations. The extent to which such information is available to competitors may diminish the need of ONCS competitors to develop such methods and procedures without comparable investment of time and resources.
- (c) Use by our competitors would put ONCS at a competitive disadvantage by reducing our competitor's expenditures of resources by allowing them to build upon or utilize methods and procedures developed by ONCS at great expense.

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- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.

- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

- (v) The proprietary information sought to be withheld in this submittal are product specifications referenced within 0045-SVK-2021-004, being transmitted by ONCS attention of NRC Storage and Transportation Licensing Branch, Division of Fuel Management. This proprietary information as submitted by ONCS is 30B-X Specification 0045-SPZ-2021-001-Rev1 and Drawings and Parts lists 0045-STL-1000-000-Rev1 and 0045-STL-2000-000-Rev1, submitted within letter 0045-SVK-2021-004, dated October 8<sup>th</sup>, 2021 from Franz Hilbert to NRC Storage and Transportation Licensing Branch, Division of Fuel Management.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of ONCS because it would enhance the ability of competitors to address similar safety, regulatory and licensing issues without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements without purchasing the right to use the information.

In order for competitors of ONCS to duplicate this information, similar technical and procedural programs would have to be developed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

## PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary documents furnished to the NRC for generic review and approval. In order to conform to the requirements of 10CFR2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary makes up the specification and the drawings and parts lists of the 30B-X cylinder, meaning these documents are not included in the public version of the submittal.

## COPYRIGHT NOTICE

If any documents transmitted herewith each bear a ONCS copyright notice, the NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10CFR2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by ONCS, copyright protection notwithstanding. With respect to the non-proprietary versions of such documents, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.