



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

U.S. Department of Transportation
PHMSA
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USA

Orano NCS GmbH

Unsere Zeichen/ Nachricht vom 0007-SVK-2021-006
Our ref./ message dd.

Ihre Zeichen/ Nachricht vom
Your ref./ message dd.

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Datum 23.12.2021

Application for withholding proprietary information from public disclosure

Reference: 0007-SVK-2021-004 dated 25.11.2021

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

The proprietary material for which withholding is being requested is calculation report 0007-BBR-2021-001-Rev0, as well as the following appendices to the safety report 0007-BSH-2018-001-Rev0:

- Annex 2 Data Sheet 001-068-00 (Container BU-D)
- Annex 3 Drawings of Container BU-D and Samples of Fuel Pails
- Annex 4 BAM Test Certificate for Decontamination Properties
- Annex 5 BAM Test Report No. 22040
- Annex 6 1. Addendum to BAM Test Report No. 22040
- Annex 7 Test Protocol 88-BP-5 Visual Inspection and Leak Tightness Test
- Annex 8 Test Protocol 88-BP-4 Fire Test
- Annex 9 Input and Output Files HEATING 7.2
- Annex 10 Working Report KWU BT33/94/029 and Supplements
- Annex 11 Calculation Note RN-01-03
- Annex 12 Calculation Note RN-05-03
- Annex 13 Specification SB-02-02 Rev. 2
- Annex 18 Report NCS 0810 Rev. 1
- Annex 19 Report 0007-BBR-2018-001 Rev. 0

Accordingly, it is respectfully requested that the subject information that is proprietary to Orano NCS GmbH be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commissions regulations.

Correspondence with respect to the letter or the accompanying affidavit should reference 0007-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.

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

Sincerely,


Franz Hilbert
COO
Yara van Wijk
Project Manager

Orano NCS GmbH

Attachment: Affidavit

AFFIDAVIT

- (1) I am the COO of Orano NCS GmbH 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 Orano NCS GmbH submittals to NRC via DOT, and am authorized to apply for its withholding on behalf of Orano NCS GmbH.
- (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 Orano NCS GmbH "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Orano NCS GmbH 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 Orano NCS GmbH.
 - (ii) The information is of a type customarily held in confidence by Orano NCS GmbH and not customarily disclosed to the public. Orano NCS GmbH 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 Orano NCS GmbH 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 Orano NCS GmbH's competitors without license from Orano NCS GmbH 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 Orano NCS GmbH or customer funded development plans and programs of potential commercial value to Orano NCS GmbH.
- (e) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Orano NCS GmbH system which include the following:

- (a) The use of such information by Orano NCS GmbH gives Orano NCS GmbH a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Orano NCS GmbH competitive position.
- (b) It is information that may provide Orano NCS GmbH's competitors with information on the methods and procedures that Orano NCS GmbH uses to fulfill regulatory and licensing obligations. The extent to which such information is available to competitors may diminish the need of Orano NCS GmbH competitors to develop such methods and procedures without comparable investment of time and resources.

- (c) Use by our competitors would put Orano NCS GmbH 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 Orano NCS GmbH at great expense.
- (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 0007-SVK-2021-006, being transmitted by Orano NCS GmbH attention of DOT PHMSA.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Orano NCS GmbH 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 Orano NCS GmbH 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 is a proprietary document furnished to the DOT 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 DOT, the information which is proprietary makes up the documents referenced within 0007-SVK-2021-006.

COPYRIGHT NOTICE

If any documents transmitted herewith each bear a Orano NCS GmbH 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 Orano NCS GmbH, 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.