



Global Nuclear Fuel

A Joint Venture of GE, Toshiba, & Hitachi

Global Nuclear Fuel

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Security-Related, Proprietary, and Personally Identifiable Information Notice

This letter forwards sensitive security-related, proprietary, and personally identifiable information which must be withheld from public disclosure in accordance with 10CFR2.390. Upon removal of Enclosure 1, the balance of this letter may be made public.

SPM 11-042

September 9, 2011

ATTN: Document Control Desk
Director, Division of Security Operations
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: GNF-A Submittal of FOCI Information Update

- Reference:
- 1) Letter, S. P. Murray (GNF-A) to U.S. NRC, Director, Division of Security Operations, "GNF-A Submittal of FOCI Information Update", January 11, 2011.
 - 2) Letter, L. M. Quintana (GEH) to U.S. NRC, Director, Division of Nuclear Security, "GE / GNF-A Request for Review of FOCI Information in Support of Facility Security Clearance for Wilmington, NC, Facility", October 13, 2006.
 - 3) NRC License No. SNM-1097, Docket 70-1113.

This submits, on behalf of Global Nuclear Fuel-Americas, LLC (GNF-A), an update to foreign ownership, control, or influence (FOCI) information for GNF-A and its parent organizations, Global Nuclear Fuel Holding Co., LLC (GNF-H) and Global Nuclear Fuel, LLC (GNF), reflecting a recent organizational change. This FOCI information is submitted in accordance with 10CFR95.17(a)(1). The most recent previous FOCI information update by GNF-A was submitted via Reference 1.

The enclosed information includes updated Lists of Owners, Officers, Directors, and Executive Personnel (OODEP) for GNF-A and GNF-H / GNF. (Refer to Schedule 1B of the SF-328 for GNF-A submitted via Reference 2 for a diagram of the relationships among the GNF-A-related legal entities).

Please note that Enclosure 1 herewith contains security-related information, personally identifiable information, and also other information that GNF-A maintains in confidence and withholds from public disclosure. The affidavit contained in Enclosure 2 herewith identifies that information contained in Enclosure 1 herewith has been handled and classified as proprietary and confidential by GNF-A. GNF-A hereby requests that information in Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17. Per request

of NRC staff, such information enclosed herewith has been labeled "Proprietary Information" to correspond to labeling practices of personnel reviewing this submittal.

Please contact me at (910) 819-5950 if you have any questions regarding this FOCI information or would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "S. P. Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

S. P. Murray, Manager
Licensing and Liabilities

Commitments: No commitments have been made by GNF-A in this letter.

Enclosures:

1. Lists of Owners, Officers, Directors, and Executive Personnel (*GNF-A Security-Related, Proprietary Information, and Personally Identifiable Information*).
2. Affidavit for GNF-A, dated September 9, 2011.

cc: M.N. Baker (NRC-NMSS)
J. K. Everly (NRC-NSIR)*
C. B. Hollman (DOE)*
SPM-11-042*
*with Enclosures 1 and 2.

ENCLOSURE 2

of

SPM-11-042

Affidavit for GNF-A

Global Nuclear Fuel-Americas, LLC

AFFIDAVIT

I, **Phillip D. Ollis**, state as follows:

- (1) I hold the position of Licensing Engineer, Global Nuclear Fuel-Americas, LLC, have been formally delegated the function of reviewing the information belonging to Global Nuclear Fuel-Americas, LLC and its parent legal entities Global Nuclear Fuel Holding Co., LLC / Global Nuclear Fuel, LLC (collectively “GNF-A” in this affidavit) 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 GNF-A’s letter, S. P. Murray to U.S. NRC Document Control Desk, Letter No. SPM-11-042, *GNF-A Submittal of FOCI Information Update*, dated September 9, 2011, and its Enclosure 1. In the above-cited Enclosure 1, *Lists of Owners, Officers, Directors, and Executive Personnel*, to Letter No. SPM-11-042, the GNF-A confidential information is indicated by [[enclosing it between left and right double brackets^{3}]], with the superscript notation ^{3} referring to Paragraph (3) of this affidavit, which provides the basis for the designation as confidential information, and those documents are also marked with the designation “GNF-A Security-Related, Proprietary, and Personally Identifiable Information” at the top of each page.
- (3) In making this application for withholding of confidential information of which it is the owner or licensee, GNF-A relies upon the exemptions 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), 9.17(a)(6), 2.390(a)(4), and 2.390(a)(6) for “trade secrets and commercial or financial information” (Exemption 4) and “personnel and medical files” (Exemption 6). The material for which exemption from disclosure is here sought is all “confidential commercial information” or “personnel information”, and some portions also may also qualify 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, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of confidential, trade secret, or proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A’s competitors without license from GNF-A constitutes a competitive economic advantage over other companies;
 - b. Information which, if used 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 of a similar product;

- c. Information which reveals organizational structures, cost or price information, production capacities, budget levels, or commercial strategies of GNF-A, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future GNF-A customer-funded development plans and programs, resulting in potential products to GNF-A;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

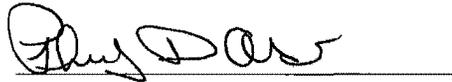
The information sought to be withheld is considered to be confidential because it reveals confidential commercial and/or financial information regarding the operations of GNF-A and its related joint venture entities or reveals personal information of individuals, and some information of the former information is also considered proprietary for the reasons set forth in paragraph (4)c. above.

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, 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 GNF-A, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or confidentiality or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as confidential or proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of confidential or proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GNF-A is limited on 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, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the confidential or proprietary designation. Disclosures outside GNF-A 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 confidentiality or proprietary agreements.
- (8) The information identified in paragraph (2), above, is classified as confidential because it reveals commercial and/or financial information regarding the operations of GNF-A and its related joint venture entities or reveals personal information of individuals. Some of the information is considered proprietary because it contains internal organizational structures.
- (9) Public disclosure of the information sought to be withheld is inconsistent with the intent of the requirements for submittal and is likely to cause harm to GNF-A's competitive position

and foreclose or reduce the availability of profit-making opportunities and would reveal personal privacy information and potentially reduce information security.

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 9th day of September, 2011.



Phillip D. Ollis
Licensing Engineer
GE Hitachi Nuclear Energy Americas LLC

Witness my hand and official seal, this 9th day of September, 2011.



My commission expires: June 23, 2013

