Global Nuclear Fuel
A Joint Venture of GE, Toshiba, & Hitachi

Global Nuclear Fuel

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~~Proprietary Information Notice~~

This letter forwards proprietary information in accordance with 10CFR2.390. Upon removal of the attachment, the balance of this letter may be made public.

PDO 12-029

May 31, 2012

U. S. Nuclear Regulatory Commission
245 Peachtree Center Ave., NE Suite 1200
Atlanta, GA 30303-1257
Attn: Mary Thomas

Subject: NRC Request for Documents

References:
1) NRC License SNM-1097, Docket 70-1113
2) NRC Request by Email (5/17/2012)
3) Letter, Phillip D. Ollis to Mary Thomas, 5/21/12, NRC Request for Documents
4) NRC Request by Email (5/22/2012)
5) Letter, Phillip D. Ollis to Mary Thomas, 5/24/12, NRC Request for Documents
6) NRC Request by Telephone - Mary Thomas on 5/25/12
7) Letter, Phillip D. Ollis to Mary Thomas, 5/25/12, NRC Request for Documents
8) NRC Request by Email – Mary Thomas on 5/30/2012

The attachments to this letter contain Global Nuclear Fuel – Americas, L.L.C. Proprietary Information.

Attached is the documentation that you have requested. Each page of these documents contains security related and proprietary information identified as Global Nuclear Fuel, L.L.C. Company Proprietary Information and should be protected accordingly. It is our understanding that you will either destroy these documents after you have completed your report or protect these documents from disclosure.

1. PRI 3-18 GNF-A Change Management Process (CMP) – Issued 12/13/11
2. NEDE-33449 Glossary and Acronym List – Rev. 5
3. WI-27-106-14 EHS Management of Change Rev. 0

If you have any questions concerning this letter, please call me at (910) 819-6301.

Sincerely,

Phillip D. Ollis

Phillip D. Ollis, Licensing Engineer
Licensing & Liabilities

Commitments: None

Cc: Marvin Sykes – US NRC Region II
Scott Murray – GEH Facility Licensing

Attachment(s): 1. Affidavit
2. Attachments

Global Nuclear Fuel - Americas LLC

AFFIDAVIT

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

(1) I am the Licensing Engineer, Licensing & Liabilities, of Global Nuclear Fuel – Americas, LLC (GNF-A), and have been delegated the function 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 contained in Attachments 2 of GNF-A's letter, GNF-A letter Number 12-029, Phillip Ollis to Mary Thomas entitled NRC Request for Documents. GNF-A proprietary information in Attachment 2, is identified by the statement "GNF-A Proprietary" or "GNF-A Proprietary Information."

(3) In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A 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 GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over GNF-A 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 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, 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 GNF-A. Access to such documents within GNF-A 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 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 proprietary and/or confidentiality agreements.

(8) The information identified in paragraph (2) above is classified as proprietary because it contains details of GNF-A's processes, design and manufacturing facilities.

(9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The facility design and licensing methodology is part of GNF-A'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 GNF-A. 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. GNF-A's competitive advantage will be lost if its competitors are able to use the results of the GNF-A 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 GNF-A 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 GNF-A 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.

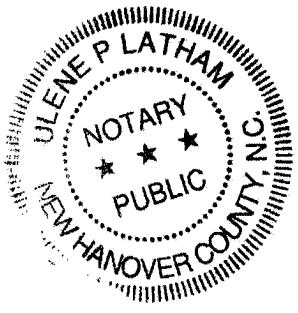
I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 31st day of May, 2012

Phillip D. Ollis
Global Nuclear Fuel - Americas LLC

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 31st day of May, 2012.



Notary Public in and for the
State of North Carolina

My Commission Expires: **June 23, 2013**