



Global Nuclear Fuel

A Joint Venture of GE, Toshiba, & Hitachi

Global Nuclear Fuel

Scott P. Murray
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Proprietary Information Notice

Attachment 2 to this letter contains sensitive proprietary information which is to be withheld from public disclosure in accordance with 10CFR2.390 and RIS 2005-31

SPM 13-049

October 30, 2013

Mr. Tyrone Naquin, Project Manager
Fuel Manufacturing Branch – Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

ATTN: Document Control Desk

Dear Mr. Naquin:

Subject: Revised GNF-A Standby Trust Agreement (STA)

References: 1) NRC License SNM-1097, Docket 70-1113
2) Updated GNF-A Fuel Fabrication Facility Decommissioning Funding Plan (DFP), 12/14/12
3) NRC Request for Additional Information – GNF-A DFP, 2/22/13
4) GNF-A Response to NRC RAI's – GNF-A DFP, 3/28/13
5) Revised GNF-A DFP, 4/26/13
6) NRC Request for Additional Information – GNF-A DFP, 6/13/13
7) GNF-A Response to NRC RAI's – GNF-A DFP, 7/17/13
8) NRC Acceptance of Changes to STA, 9/12/13

Attached is an updated Global Nuclear Fuel - Americas, LLC (GNF-A) Decommissioning Standby Trust Agreement that was revised and provided to NRC on July 17, 2013 (Reference 7), accepted by NRC on September 12, 2013 (Reference 8) and executed by GNF-A on September 23, 2013.

Please note that the STA (Attachment 2) to this letter contains sensitive proprietary information that is requested to be withheld from public disclosure in accordance with 10 CFR 2.390 and RIS 2005-31.

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

Sincerely,



Scott P. Murray, Manager
Facility Licensing

Commitments: None

Attachments: 1) GNF-A Affidavit
2) Revised GNF-A Standby Trust Agreement

Attachment 1

Global Nuclear Fuel - Americas LLC

AFFIDAVIT

I, **Scott P. Murray**, state as follows:

- (1) I am the Manager, Facility Licensing of Global Nuclear Fuel – Americas, LLC (GNF-A), and have been delegated the function by GNF-A 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 Attachment 2 to GNF-A letter Number 13-049, Scott P. Murray to US Nuclear Regulatory Commission entitled Revised GNF-A Standby Trust Agreement Dated 10/30/13. GNF-proprietary information in Attachment 2 is identified by the statement “Contains 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

Attachment 2

Revised and Executed GNF-A Standby Trust Agreement