



**Global Nuclear Fuel**

A Joint Venture of GE, Toshiba, & Hitachi

**Global Nuclear Fuel**

**Scott P. Murray**  
Manager, Facility Licensing

3901 Castle Hayne Road  
P.O. Box 780  
Wilmington, NC 28402  
USA

T (910) 819-5950  
F (910) 362-5950  
scott.murray@ge.com

**Proprietary Information Notice**

*This letter forwards company ~~proprietary information which is to be withheld from public disclosure~~ in accordance with 10CFR2.390. Upon removal of Attachments 2 - 6, the balance of this letter may be made public.*

SPM 14-038

October 8, 2014

U.S. Nuclear Regulatory Commission, Region II  
245 Peachtree Center Avenue, NE., Suite 1200  
Atlanta, GA 30303-1257  
Attn: Marvin D. Sykes

Subject: Response to NRC PDEC Request for Documents

- References:
- 1) NRC License SNM-1097, Docket 70-1113
  - 2) NRC Special Inspection Report 70-1113/2014-006, 7/3/14
  - 3) NRC Inspection Report 70-1113/2014-007, EA-14-141, 8/21/14
  - 4) GNF-A Pre-Decisional Enforcement Conference, 10/1/14

Dear Mr. Sykes:

As discussed with you and NRC staff at the conference held on 10/1/14 (Reference 4), Global Nuclear Fuel-Americas L.L.C. (GNF-A) hereby submits the requested information regarding factors that reduce the risk of a potential high consequence recycle accident sequence in the Dry Conversion Process (DCP).

Attachment 2 is a discussion of risk reduction factors and controls not credited in the Integrated Safety Analysis (ISA) for the potential accident sequence.

Attachment 3 provides excerpts from a GNF-A DCP Conversion Criticality Safety Analysis.

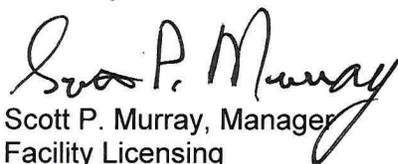
Attachment 4 provides a GNF-A DCP Functional Test Instruction (FTI).

Attachments 5 & 6 provide excerpts from selected GNF-A DCP operating procedures.

These documents contain proprietary information, identified as GNF-A Company Proprietary Information and should be protected accordingly, to include withholding from public disclosure in accordance with 10 CFR 2.390.

If you have any questions or need additional information, please contact me at the number above.

Sincerely,

  
Scott P. Murray, Manager  
Facility Licensing

US NRC  
October 8, 2014  
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Commitments: None

Attachment(s):

- 1) Affidavit
- 2) GNF-A DCP Recycle Uncredited Controls description
- 3) GNF-A DCP Criticality Safety Analysis excerpts (CSA 1332.01, Rev 13, page 9)
- 4) GNF-A DCP Functional Test Instruction (FTI 1332-15, Rev 5.2)
- 5) GNF-A DCP Operating Procedure excerpts (OP 1332.00.205, Rev 02, Attachment 2, page 15, & Log Sheet 1332.02, Rev 11)
- 6) GNF-A DCP Operating Procedure excerpts (OP 1332.00.201, Rev 02, pages 12-13)

cc: T. Naquin, NRC NMSS, Washington, DC  
M. Crespo, NRC RII Atlanta. GA

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) below 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 2-6 of GNF-A’s letter Number 14-038, Scott P. Murray to Mr. Marvin D. Sykes entitled Response to NRC PDEC Request for Documents. GNF-A proprietary information in Attachments 2-6, is identified by the statement “GNF-A Company 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.

