



Global Nuclear Fuel

Proprietary Information Notice

This letter forwards Proprietary Information to be withheld from public disclosure in accordance with 10CFR2.390. Upon removal of Attachments 2 and 3, the balance of this letter may be made public.

Global Nuclear Fuel

Scott P. Murray
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M190209

November 27, 2019

Jeremy Munson
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Division of Fuel Management
Inspection and Oversight Branch
Attn: Document Control Desk

Subject: NRC Request for Documents

References: 1) NRC License SNM-1097, Docket 70-1113
2) GNF-A License Amendment Request, 10/31/19
3) GNF-A/NRC Telecom 11/26/19

Dear Mr. Munson:

The attachments to this letter contain Global Nuclear Fuel – Americas (GNF-A) Proprietary Information.

Attached is the documentation, as listed below, that you requested on November 26, 2019 (Reference 3). These documents contain GNF-A Proprietary Information and should be protected from public disclosure.

1. GNF-A SCALE6.1/KENO-VI Monte Carlo Code Validation Report (Rev. 3)
2. GNF-A Report - Criticality Safety Analysis - SNM-1097 Favorable Geometry and Safe Batch Limits (Rev. 0)

If you have any questions concerning this letter, please call me at (910) 819-5950.

Sincerely,


Scott Murray, Manager
Facility Licensing

Attachment(s): 1) Affidavit
2) GNF-A SCALE6.1/KENO-VI Monte Carlo Code Validation Report - Revision 3 (May 2018)
3) GNF-A Report - Criticality Safety Analysis - SNM-1097 Favorable Geometry and Safe Batch Limits - Revision 0 (October 2019)

M. Bartlett, USNRC NMSS
SPM 19-037

AFFIDAVIT

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

- (1) I am the Manager, Facility Licensing of Global Nuclear Fuel - Americas (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's letter, M190209, Scott P. Murray to Jeremy Munson, entitled NRC Request for Documents. GNF-A proprietary information is contained in Attachments 2 and 3 and is identified by the statement "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 GEH. 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.

