



Global Nuclear Fuel

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Scott P. Murray
Manager, Facility Licensing

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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.~~

M190208
SPM 19-038

December 6, 2019

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 Submittal of FOCI Information Update**

References: 1) License No. SNM-1097, Docket No. 70-1113
2) Letter, S. P. Murray (GNF-A) to U.S. NRC, Director, Division of Security Operations, "GNF-A Submittal of FOCI Information Update", March 8, 2019

Global Nuclear Fuel-Americas, LLC (GNF-A) and its parent organization, Global Nuclear Fuel Holding Co., LLC (GNF-H) and GNF-H's manager, Global Nuclear Fuel, LLC (GNF), hereby submit an update to previously submitted foreign ownership, control, or influence (FOCI) information reflecting recent organizational changes. This FOCI information is submitted in accordance with 10CFR95.17(a)(1). The most recent previous FOCI information update by GNF-A and GNF-H / GNF was submitted via Reference 2.

The enclosed information includes updated Lists of Owners, Officers, Directors, and Executive Personnel (OODEP) for GNF-A and GNF-H / GNF replacing the corresponding lists for GNF-A and GNF-H / GNF submitted via Reference 2.

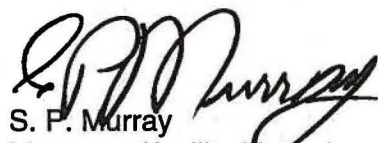
GNF-A and GNF believe these changes, individually and collectively, should not adversely affect the prior favorable FOCI determinations for GNF-A and GNF because the changes do not (i) result in a reduction in the control exercised by U.S. citizens in the operations and management of GNF-A and GNF-H / GNF, (ii) result in additional SF 328 certification questions answered Yes relative to SF-328 certifications previously submitted by GNF-A and GNF-H / GNF which formed the bases for prior favorable determinations, or (iii) introduce new FOCI concerns associated with operations or management of GNF-A and GNF-H / GNF.

Please note that Enclosure 1 herewith contains sensitive unclassified non-safeguards security-related information, personally identifiable information, and other, proprietary and confidential

information, all of which GNF-A and GNF maintain in confidence and withhold from public disclosure. The affidavits contained in Enclosures 2 and 3 herewith identifies that such other information contained in Enclosure 1 herewith has been handled and classified as proprietary and confidential by GNF-A and GNF. GNF-A and GNF hereby request that the sensitive 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 other proprietary and confidential information enclosed herewith has been labeled "Proprietary Information" to correspond to labeling practices of personnel reviewing this submittal.

Please contact Phillip Ollis at (910) 616-4018 or me at (910) 819-5950 if you have any questions regarding this FOCI information or would like to discuss this matter further.

Sincerely,



S. P. Murray
Manager, Facility Licensing

Enclosures:

1. Lists of Owners, Officers, Directors, and Executive Personnel, dated December, 2019
(*Security-Related, Proprietary Information, and Personally Identifiable Information*).
2. Affidavit for GNF-A
3. Affidavit for GNF

cc: D. W. Hase (NRC-NSIR)*
T. D. Naquin (NRC-NMSS)
M. Bartlett (NRC NMSS)

ENCLOSURE 2

Affidavit for GNF-A

Global Nuclear Fuel-Americas, LLC

AFFIDAVIT

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

- (1) I hold the position of Manager, Facility Licensing, for Global Nuclear Fuel-Americas, LLC (“GNF-A” in this affidavit), have been delegated the responsibility of reviewing the information belonging to GNF-A described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding from public disclosure.
- (2) The sensitive security-related information and confidential commercial (hereinafter referred to as “proprietary”) information and personally identifiable information requested to be withheld from public disclosure is contained in Enclosure 1 of GNF-A’s letter, Scott P. Murray to U.S. NRC Document Control Desk, Letter No. M190208, entitled *GNF Submittal of FOCI Information Update*, dated December, 2019. In the above-cited Enclosure, those pages requested to be withheld are marked with the designation “GNF-A Security-Related, Proprietary, and Personally Identifiable Information – Withhold from Public Disclosure per 10CFR2.390” or similar notice at the top of each page. In addition, the sensitive information which is GNF-A proprietary information is indicated by enclosing it between left and right double brackets [[as in this example^{3}]], with the superscript notation ^{3} referring to Paragraph (3) of this affidavit, which provides the basis for the designation as proprietary information. Security-related information is denoted by the text “{SRI}” placed on pages containing, adjacent to the first instance of, such information. Personally identifiable information is denoted by the text “(PII)” placed adjacent to such information.
- (3) In making this application for withholding of confidential information of which it is the owner, 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) and 10 CFR 2.390(d), as well as the guidance in NRC RIS 2005-31, for “security-related information”. The material for which exemption from disclosure is here sought is all “confidential commercial or financial 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.

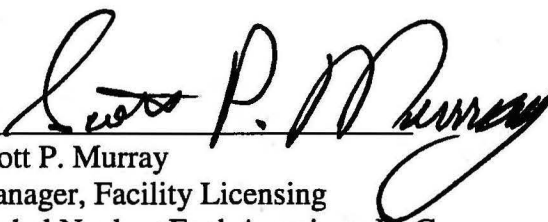
The information requested to be withheld is considered to be confidential because it reveals confidential commercial and/or financial information regarding the operations of GNF-A and its related joint venture entities or reveals personal information of individuals, and some of the former information 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. Notwithstanding the foregoing, in the case of certain summaries, tables, charts, and similar compilations of information, while the overall compilation is deemed proprietary by GNF-A, discrete pieces of information within the larger compilation may not be proprietary and may have been separately publicly disclosed or be 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 information 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, as applicable, the staff manager, project manager, principal scientist or other equivalent authority; the manager of the cognizant marketing function (or his delegate); and the Legal organization, 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 information agreements.

- (8) The information identified in paragraph (2), above, is designated as confidential because it reveals: (a) commercial and/or financial information regarding the operations of GNF-A and its related joint venture entities; (b) security-related information; and/or (c) personal privacy information of individuals.
- (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.

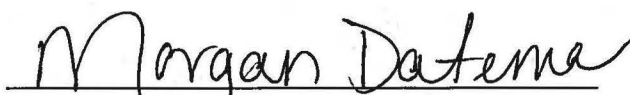
Executed on this 6th day of December, 2019.



Scott P. Murray
Manager, Facility Licensing
Global Nuclear Fuel-Americas, LLC

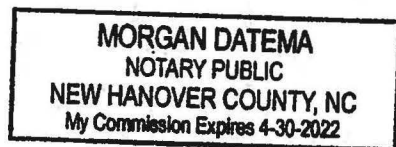
Witness my hand and official seal, this 6th day of December, 2019

State of North Carolina
County of New Hanover



Notary Public

My commission expires: 4/30/22



ENCLOSURE 3

Affidavit for GNF

Global Nuclear Fuel, LLC

AFFIDAVIT

I, Jay T. Wileman, state as follows:

- (1) I hold the position of Chief Executive Officer, Global Nuclear Fuel, LLC, have the responsibility of reviewing the information belonging to Global Nuclear Fuel Holding Co., LLC and Global Nuclear Fuel, LLC (collectively “GNF” in this affidavit) described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding from public disclosure.
- (2) The sensitive security-related information and confidential commercial (hereinafter referred to as “proprietary”) information and personally identifiable information requested to be withheld from public disclosure is contained in Enclosure 1 of GNF-A’s letter, Scott P. Murray to U.S. NRC Document Control Desk, Letter No. M190208, entitled *GNF Submittal of FOCI Information Update*, dated December, 2019. In the above-cited Enclosures, those pages requested to be withheld are marked with the designation “GNF-A Security-Related, Proprietary, and Personally Identifiable Information – Withhold from Public Disclosure per 10CFR2.390” or similar notice at the top of each page. In addition, the sensitive information which is GNF proprietary information is indicated by enclosing it between left and right double brackets [[as in this example^{3}]], with the superscript notation ^{3} referring to Paragraph (3) of this affidavit, which provides the basis for the designation as proprietary information. Security-related information is denoted by the text “{SRI}” placed on pages containing, adjacent to the first instance of, such information. Personally identifiable information is denoted by the text “(PII)” placed adjacent to such information.
- (3) In making this application for withholding of confidential information of which it is the owner, GNF 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) and 10 CFR 2.390(d), as well as the guidance in NRC RIS 2005-31, for “security-related information”. The material for which exemption from disclosure is here sought is all “confidential commercial or financial 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).
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 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF’s competitors without license from GNF 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, 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;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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

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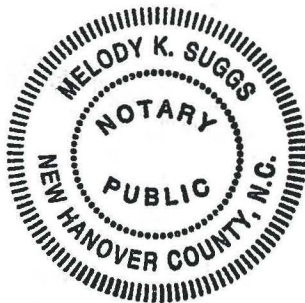
Executed on this 6th day of December, 2019.



Jay T. Whelan
Chief Executive Officer
Global Nuclear Fuel, LLC

Witness my hand and official seal, this 6th day of December, 2019.

State of North Carolina
County of New Hanover


Notary Public

My commission expires: 01-15-2024