



Global Nuclear Fuel

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Scott P. Murray

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Proprietary Information Notice

Enclosure 2 to this letter contains GNF-A Company ~~proprietary information which is to be withheld from public disclosure in accordance with 10 CFR 2.390~~. Upon removal of Enclosure 2 the balance of the letter may be made public.

M220123

September 23, 2022

Director, Division of Fuel Management
Office of Nuclear Materials Safety & Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Attn: Document Control Desk

Subject: GNF-A Request for Revision and Renewal of Certificate of Compliance (CoC)
USA/9309/B(U)F-96 for Model No. RAJ-II Package

References: 1) CoC USA/9309/B(U)F-96 Revision 10, Docket 71-9309
2) NRC Pre-Application Meeting with GNF-A, March 15, 2022
3) NRC Pre-Application Meeting with GNF-A, September 7, 2022

Pursuant to 10 CFR 71.19, 71.38 and as we discussed on March 15, 2022, and September 7, 2022 (References 2 and 3), Global Nuclear Fuel – Americas, L.L.C. (GNF-A) in Wilmington, North Carolina, hereby requests a revision and renewal to NRC Certificate of Compliance (CoC) USA/9309/B(U)F-96 to approve modifications to the authorized contents and extend the expiration date. No modifications are requested to the previously approved package design.

The RAJ-II Safety Analysis Report (SAR) has been updated to allow for the transportation of GNF3 10x10 fuel assemblies with enrichments up to 8 weight % U 235 and provide additional necessary information where needed. In addition, the SAR revisions resulted in an updated criticality safety index (CSI) for higher enrichment fuel bundles. These changes are reflected in a proposed revision to the RAJ-II package CoC.

The SAR has been designated as NEDE-33869P Revision 11 to reflect these modifications and is provided in its entirety in Enclosure 2. Included in the SAR is a change table with a description and reason for each change relative to the previous SAR to aid the NRC review. Please note this version of the SAR contains company proprietary information and is requested to be withheld from public disclosure.

A redacted public version of the RAJ-II SAR designated as NEDO-33869 Revision 11 is provided as Enclosure 3 to this letter. Enclosure 4 to this letter provides proposed revisions to the RAJ-II package CoC.

Upon issuance of Revision 13 of the CoC, GNF-A is requesting that Revision 12 of the CoC also remain in effect for a period of one (1) year, consistent with Condition 11 in Revision 12 of the CoC. Allowing Revision 12 of the CoC to remain in effect will allow fuel assemblies which were designed, manufactured, and prepared for shipment under Revision 12 of the CoC to be shipped using the RAJ-II transportation package.

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

Sincerely,



Scott P. Murray, Manager
Facility Licensing

Enclosures:

1. Affidavit
2. RAJ-II SAR, NEDE-33869P Revision 11, September 2022 – GNF-A Proprietary Information – Class II (Internal)
3. RAJ-II SAR, NEDO-33869 Revision 11, September 2022 – Non-Proprietary Information – Class I (Public)
4. Markup of Revision 12 of the Certificate of Compliance No. 9309 - Non-Proprietary Information – Class I (Public)

cc: P. Saverot, NRC/NMSS/DFM/STLB
J. Rowley, NRC/NMSS/DFM/FFLB
SPM 22-030

ENCLOSURE 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 Enclosure 2 to GNF's letter, M220123, Scott P. Murray to Director, Division of Fuel Management – GNF-A Request for Revision of CoC USA/9309/B(U)F-96 for Model No. RAJ-II Package. GNF-A proprietary information in Enclosure 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.
- (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.

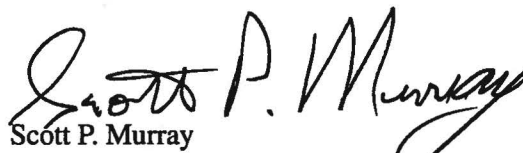
- (8) The information identified in paragraph (2) above is classified as proprietary because it contains details of GNF-A's processes, design and manufacturing facilities.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position 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 is true and correct.

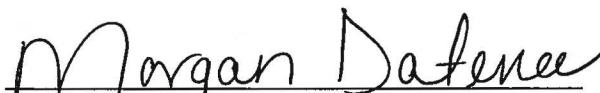
Executed on this 23rd day of September 2022.


Scott P. Murray
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 23rd day of September 2022.




Notary Public in and for the
State of North Carolina

My Commission Expires: 4-30-2027