



HITACHI

GE-Hitachi Nuclear Energy Americas LLC

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Proprietary Information Notice

Personally Identifiable Information Notice

This letter forwards proprietary information 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.

LMQ-08-015
March 13, 2008

ATTN: Document Control Desk
Director, Division of Nuclear Security
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: **GLE Submittal of FOCI Information Update**
TAC No. L32641

Dear Sirs:

This submits an update to foreign ownership, control, or influence (FOCI) information for GE-Hitachi Global Laser Enrichment LLC (“GLE”), its parent GE-Hitachi Nuclear Energy Americas LLC (GEH), and GEH’s parent organizations reflecting a recent organizational change within GEH and also reflecting several minor additional updates, e.g., re status of personnel clearances. This FOCI information is submitted in accordance with 10CFR95.17 and in support of ongoing enrichment technology development activities of GLE personnel working under NRC license SNM-1097 issued to Global Nuclear Fuel-Americas, LLC (GNF-A). FOCI information for GLE was previously submitted per Reference 1.

The enclosed information includes Lists of Owners, Officers, Directors, and Executive Personnel (OODEPs) for GLE, GEH, and GEH’s parent organizations (refer to Schedule 1B of the SF-328 for GLE submitted via Reference 1 for a diagram of the relationships among the legal entities).

Please note that Enclosure 1 herewith contains personally identifiable information and also information of the type that GLE maintains in confidence and withholds from public disclosure. The affidavit contained in Enclosure 2 herewith identifies that information contained in Enclosure 1 herewith has been handled and classified as proprietary and confidential by GLE. GLE hereby requests that information in Enclosure 1 withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17. Per request of NRC staff, such information enclosed herewith has been labeled “Proprietary Information” to correspond to labeling practices of personnel reviewing this submittal.

U.S. NRC Document Control Desk
LMQ-07-022
July 3, 2007
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Please do not hesitate to contact me if there are questions regarding this FOCI information.

Sincerely,



Louis M. Quintana
U Enrichment Licensing

SNM-1097
Docket 70-1113

References:

1. Letter, L. M. Quintana (GEH) to U.S. NRC, Director, Division of Security Operations, "GHGLE Submittal of FOCI Information in Support of Facility Security Clearance for Wilmington, NC, Facility TAC No. L32602", July 3, 2007.

Enclosures:

1. Lists of Owners, Officers, Directors, and Executive Personnel (*GLE Proprietary Information and Personally Identifiable Information*).
2. Affidavit for GLE, dated March 13, 2008.

cc: M. G. Allen (GEH)
M.N. Baker (NRC-NMSS)
R. E. Brown (GEH)
R. A. Crate (GLE)
J. K. Everly (NRC-NSIR)
J. D. Fuller (GEH)
C. B. Hollman (DOE)
C. J. Monetta (GEH)
H. J. Neems (GEH)
LMQ-08-015

ENCLOSURE 2

of

LMQ-08-015

Affidavit for GLE

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, **Tammy G. Orr**, state as follows:

- (1) I am President, GE-Hitachi Global Laser Enrichment LLC (“GLE”), have been delegated the function 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 GLE’s letter, L. M. Quintana to U.S. NRC Document Control Desk, Letter No. LMQ-08-015, *GLE Submittal of FOCI Information Update TAC No. L32641*, dated March 13, 2008, and its Enclosure 1. In the above-cited Enclosure 1, *Lists of Owners, Officers, Directors, and Executive Personnel*, to Letter LMQ-08-015, the GLE confidential information is indicated by [[enclosing it between left and right double brackets^{3}]], with the superscript notation ^{3} referring to Paragraph (3) of this affidavit, which provides the basis for the designation as confidential information, and those documents are also marked with the designation “Proprietary and Personally Identifiable Information” at the top of each page.
- (3) In making this application for withholding of confidential information of which it is the owner or licensee, GLE 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). The material for which exemption from disclosure is here sought is all “confidential commercial 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 GLE’s competitors without license from GLE 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 GLE, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future GLE customer-funded development plans and programs, resulting in potential products to GLE;


- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be confidential because it reveals confidential commercial and/or financial information regarding the operations of GLE and its related joint venture entities or reveals personal information of individuals, and some information 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 GLE, 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 GLE, no public disclosure has been made, and it is not 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 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 GLE is limited on 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, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the confidential or proprietary designation. Disclosures outside GLE 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 agreements.
- (8) The information identified in paragraph (2), above, is classified as confidential because it reveals commercial and/or financial information regarding the operations of GLE and its related joint venture entities or reveals personal information of individuals. Some of the information is considered proprietary because it contains internal organizational structures.
- (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 GLE'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 13th day of March 2008.

A handwritten signature in black ink, appearing to read 'T. G. Orr', is written over a horizontal line.

Tammy G. Orr
President
GE-Hitachi Global Laser Enrichment LLC