



Global Laser Enrichment

**Security-Related, Proprietary, and
Personally Identifiable Information Notice**

This letter forwards ~~Security-Related, Proprietary, and
Personally Identifiable Information which must be withheld
from public disclosure in accordance with 10CFR 2.390 and
RIS-2005-31.~~

Pat Jenny

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GLE-2017-0027

April 28, 2017

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

Docket 70-7016
SNM-2019

**Subject: Submittal of OODEP changes for GE Hitachi Global Laser
Enrichment, LLC**

Reference: (1) Letter, Pat Jenny (GLE) to Michael Layton (NRC), "GLE and GEHA
Submittal of FOCI Information Amendment", 19th, GLE-2015-0157,
November 20, 2015
(2) Letter, Pat Jenny to Director, Division of Security Operations, "GLE
and GEHA Submittal of FOCI Information Amendment," GLE-2016-0051,
November 22, 2016

Pursuant to 10 CFR 95.17(a)(1), GE Hitachi Global Laser Enrichment, LLC (GLE), as a licensee under Docket 70-7016, SNM-2019, hereby submits a twenty-second amendment to its original foreign ownership, control, or influence (FOCI) information submittal supporting the NRC facility clearance (FCL) granted to GLE. The SF-328 submittal remains unchanged from that submitted in Reference 1.

This amendment reflects recent organizational changes which are documented in the enclosed three (3) Lists of Owner, Officers, Directors, and Executive Personnel (OODEP) for GLE's U.S. parent companies. The most recent previous FOCI information updates were provided in Reference 2.

In brief, the changes in the enclosed Lists of OODEP reflect the following notable changes:

Enclosure 1: The position of Vice President, Reactor Facility Safety and Security has been changed to another US citizen. It should be noted that this role is only related to the GEH Vallecitos site licenses

NSIRD8
NSIR
NMSS

Enclosure 2: One of the GE Managers has retired and a new US person, will succeed as a GEH-H BOD Member and GENE Manager, effective April 1, 2017
Enclosure 3: In addition to the changes noted in above for Enclosure 2, Hitachi made governing board changes that affect voting members.

Enclosures 1, 2, and 3 contain Security Related Information (SRI). Using the guidance in NRC Regulatory Issue Summary (RIS) 2005-31, these Enclosures have been marked accordingly. These Enclosures also contains Personally Identifiable Information as defined in 10 CFR 2.390, and have been identified and marked accordingly.

Note at the time of submittal, Mr. Green's Social Security Number was unavailable. It will be supplied upon the next submittal.

If there are any questions regarding this letter and its contents, please do not hesitate to contact me at 910-819-7447 or at pat.jenny@ge.com.

Sincerely,



Pat Jenny
Security/Licensing Manager

Enclosures:

1. GE Hitachi Nuclear Energy Americas LLC, Revision 7, OODEP – Security Related Information and Personally Identifiable Information
2. GENE Holding LLC, Revision 6, OODEP – Security Related Information and Personally Identifiable Information
3. GE Hitachi Nuclear Energy Holdings LLC, Revision 8, OODEP – Security Related Information and Personally Identifiable Information
4. Associated Affidavit, April 2017

Cc: M. Bartlett (NMSS) NRC
K. Everly(NSIR) NRC
L. Pitts (NSIR) NRC

Enclosure 4

Affidavit

**GE Hitachi Nuclear Energy Americas LLC
GE Hitachi Nuclear Energy Holdings LLC
GENE Holding LLC**

AFFIDAVIT

I, Jay T. Wileman, state as follows:

- (1) I am the President and Chief Executive Officer, GE Hitachi Nuclear Energy Americas LLC (GEHA), GE Hitachi Nuclear Energy Holdings LLC (GEHNEH), and GENE Holding LLC (GENE-H), and 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 letter, GLE 2017-0027 and its Enclosures 1, 2, and 3 transmitting an amendment of Foreign Ownership, control, and Influence (FOCI) information previously submitted by GLE and GEHA to the U.S. Nuclear Regulatory Commission (NRC) in support of GLE's facility clearance and the non-possessing facility clearance granted to GEHA by the NRC. With regards to letter GLE 2017-0027 and its Enclosures 1, 2 and 3, Paragraph (3) of this affidavit provides the basis for the designation as confidential information, and the pages containing such confidential commercial information are also marked with the designation "Security-Related Information, Proprietary, and Personally Identifiable Information" or similar notice at the top of each page.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH 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) b. and (4) c. 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 GEHA's, GEHNEH, and GENE-H competitors without license from said entities constitutes a competitive economic advantage over GEHA, GEHNEH, and GENE-H 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.
 - c. Information which reveals organizational structures, cost or price information, production capacities, budget levels, or commercial strategies or planning of GEHA, GEHNEH, and GENE-H, their customers or their suppliers.
 - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (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 GEHA, GEHNEH, and GENE-H, 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 GEHA, GEHNEH, and GENE-H, 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 GEHA, GEHNEH, and GENE-H. Access to such documents within said entities 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 GEHA, GEHNEH, and GENE-H 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 designated as confidential because it reveals (1) information, if used by a competitor, could improve its competitive position; (2) commercial and/or financial information regarding the operations and plans of GEHA, GEHNEH, and/or GENE-H and related joint venture entities; and/or (3) personal privacy information of individuals.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to stated entities' competitive position and foreclose or reduce the availability of

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profit-making opportunities. Additionally, public disclosure 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 27th day of April 2017.



Jay T. Wileman
President & Chief Executive Officer
GE Hitachi Nuclear Energy Americas LLC



Jay T. Wileman
President & Chief Executive Officer
GE Hitachi Nuclear Energy Holdings LLC



Jay T. Wileman
President & Chief Executive Officer
GENE Holdings LLC