

# 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. When Cover Letter is separated from  
enclosure, it may be decontrolled.~~

Global Laser Enrichment

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GLE-2018-0035

June 5, 2018

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 change for GE Hitachi Global Laser Enrichment, LLC**

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-fifth amendment to its original foreign ownership, control, or influence (FOCI) information submittal supporting the NRC facility clearance (FCL) granted to GLE. The change is to one OODEP for GLE; the remainder of GLE's FOCI submittal is unchanged.

In brief, the change in the enclosed OODEP reflects the following notable change:

Enclosure 1: Mr. Thomas H. Owens is replacing Robert A. Crate as CEO and President of Global Laser Enrichment, effective June 1, 2018. Mr. Owens is a US citizen with a "Q" clearance. Mr. Owens has been with GLE for ten years.

Enclosures 1 contains Security Related Information (SRI). Using the guidance in NRC Regulatory Issue Summary (RIS) 2005-31, this Enclosure has been marked accordingly. This Enclosure also contains Personally Identifiable Information as defined in 10 CFR 2.390, and has been identified and marked accordingly.

NSIRO8  
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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. GLE, Revision 10, OODEP – Security Related Information and Personally Identifiable Information
2. Associated Affidavit, June 2018

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

# Enclosure 2

## Affidavit

## GE Hitachi Global Laser Enrichment LLC

### AFFIDAVIT

I, **Thomas H. Owens**, state as follows:

- (1) I am the President and Chief Executive Officer, GE Hitachi Global Laser Enrichment LLC (GLE), 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 2018-0035 and its Enclosure 1 transmitting an amendment of Foreign Ownership, control, and Influence (FOCI) information previously submitted by GLE to the U.S. Nuclear Regulatory Commission (NRC) in support of GLE's facility clearance granted by the NRC. With regards to letter GLE 2018-0035 and its Enclosure 1, 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, GLE 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 GLE's competitors without license from GLE constitutes a competitive economic advantage over GLE 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 GLE, its customers or its 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 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, 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 GLE. 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 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 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 GLE 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 profit-making opportunities. Additionally, public disclosure would reveal personal privacy information and potentially reduce information security.

June 2018

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 4th day of June 2018.

A handwritten signature in cursive script that reads "Thomas Owens". The signature is written in black ink and is positioned above the printed name and title.

Thomas H. Owens  
President & Chief Executive Officer  
GE Hitachi Global Laser Enrichment LLC