

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. The cover letter may be decontrolled when
separated from the enclosures.~~

Global Laser Enrichment

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GLE-2020-0015
May 29, 2020

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: Updated OODEPs 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 an amendment to its Owner, Officer, Directors, and Executive Personnel lists which are supporting information for its foreign ownership, control, or influence (FOCI) information submittal supporting the NRC facility clearance (FCL) granted to GLE.

There were several personnel changes made to officer/members on the boards of two parent companies, GE-Hitachi Nuclear Energy Americas LLC and the GE-Hitachi Nuclear Energy Holdings LLC. One officer position was deleted. Additionally, three Hitachi personnel changed roles.

Enclosures 1 and 2 contain Security Related Information (SRI) and Personally Identifiable Information. Using the guidance in NRC Regulatory Issue Summary (RIS) 2005-31 and 10CFR2.390, these Enclosures have been marked accordingly.

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

NSIRD8
NSIR
NMSS

Enclosures:

1. GEHA OODEP – Security Related Information and Personally Identifiable Information
2. GEHNEH OODEP – Security Related Information and Personally Identifiable Information
3. Wileman Affidavit

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

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**GE Hitachi Nuclear Energy Holdings LLC
GE Hitachi Nuclear Energy America LLC**

AFFIDAVIT

I, Jay T. Wileman, state as follows:

- (1) I am the President and Chief Executive Officer, GE Hitachi Nuclear Energy Holdings LLC (GEHNEH) and GE Hitachi Nuclear Energy Americas LLC (GEHA) 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-2020-0015 and its Enclosures 1 and 2 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 and the non-possessing facility clearance granted to GLE by the NRC. With regards to letter GLE-2020-0015 and its Enclosures 1 through 2, 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 GEHNEH and GEHA competitors without license from said entities constitutes a competitive economic advantage over GEHNEH and GEHA 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.

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- c. Information which reveals organizational structures, cost or price information, production capacities, budget levels, or commercial strategies or planning of GEHNEH and GEHA, 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 GEHNEH and GEHA 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, GEHNEH and GEHA, 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 GEHNEH and GEHA. 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 GEHNEH and GEHA 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 GEHNEH and GEHA 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.

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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 29th day of May 2020.



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



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