

January 8, 2008

Mr. Albert Kennedy
Licensing Manager
GE Hitachi Global Laser Enrichment
P.O. Box 780
3901 Castle Hayne Road
Wilmington, NC 28402

SUBJECT: APPROVAL OF GENERAL ELECTRIC HITACHI REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Kennedy:

On December 20, 2007, Ms. Tammy Orr transmitted an affidavit requesting that information related to General Electric Hitachi (GEH) laser enrichment facility schedules be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390. Ms. Orr did not provide a non-proprietary version of the schedules.

In the affidavit, dated December 20, 2007, Ms. Orr stated that GEH wishes to withhold, from public disclosure, a letter from Ms. Orr to Mr. Michael Weber of the U.S. Nuclear Regulatory Commission (NRC) containing licensing schedules for the project as proprietary information.

In the affidavit, Ms. Orr stated that the above documents should be withheld from public disclosure for the following reasons:

1. It is information that relates to the commercial aspects of the laser-based enrichment facility project and it reveals commercial or financial information about the operations and plans of GEH and its related joint venture entities;
2. The information is being submitted to NRC in confidence and is information that is typically held in confidence by GEH and is in fact held in confidence by GEH; and
3. The information has the potential to result in substantial harm to the competitive position of GEH and reduce or foreclose the availability of profit opportunities.

We have reviewed the justification that Ms. Orr provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Ms. Orr's statements, have determined that the information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Withholding information from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request

A. Kennedy

- 2 -

includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA, by T. Johnson for/

Brian W. Smith, Chief
Enrichment and Conversion Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7016

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Sincerely,

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Docket No.: 70-7016

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