

03037531

HBM Virginia LLC  
c/o HBM Nevada LLC  
854 Beartooth Falls Court  
Henderson, NV 89052

Dec 17, 2007

U.S. Nuclear Regulatory Commission,  
Attn Richard Struckmeyer  
Office of Federal and State Materials and  
Environmental Management Programs,  
Division of Materials Safety and State Agreements,  
State Agreements and Industrial Safety Branch,  
Washington, DC 20555

Request of Amendment, Exempt distribution License No 45-23954-02E

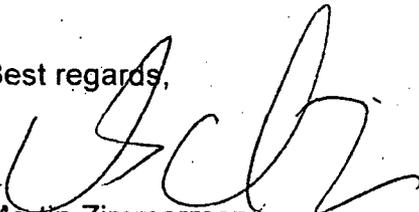
Dear Mr Struckmeyer,

We would like to apply for an amendment to our exempt distribution license as described in the attached document submitted as confidential under 10 CFR 2.390.

We are seeking an amendment in two parts, modification of our existing release method and implementation of a new release method.

We assume that the modification of the existing release method might possibly be easier and faster to approve as it represents only a minor change to the already approved method. Hence, we ask you to grant an amendment for this part separately and in advance.

Best regards,



Martin Zimmermann  
Managing Director, HBM Virginia LLC

Attachments:  
"Measurement Methods"  
Affidavit

022654

E-1

Confidential Information submitted under 10 CFR 2.390

This document contains proprietary and confidential trade secrets of  
HBM Virginia LLC and its partner firms  
and shall be withheld from public disclosure under 10 CFR 2.390

## Measurement Methods

This document relates to Item C.2.f of our license application

## AFFIDAVIT of Martin Zimmermann, HBM Virginia LLC

I, Martin Zimmermann, depose and state the following:

This affidavit pertains to the document entitled "**Measurement Methods**" which forms an appendix to our license amendment application

With regard to the NRC license amendment application of HBM Virginia LLC I, Martin Zimmermann, hold the following positions: General Manager of HBM Virginia LLC, general manager of HBM Nevada LLC, the sole owner of HBM Virginia LLC.

I have been specifically delegated and authorized to file this affidavit on behalf of BCS Stone GmbH and Herotron Technologies GmbH for information they own and that forms part of HBM Virginia's license application.

Our proposal to withhold the information is based on 10 CFR 2.390(a)(4): Trade secrets and commercial information of HBM Virginia or trade secrets and commercial information submitted to HBM Virginia as confidential, proprietary or privileged information.

The disclosure of this document will result in the following harm to HBM Virginia and our business partners.

Our business partners may hold us liable for publishing information given to us under a confidentiality agreement. They may claim damage and punitive payments

Our processes have been developed based on 30 years of experience by our business partners. Substantial know-how and development cost lead to our trade secrets. If our competition learns about our secrete processes they will have the opportunity to either copy our ideas or to substantially reduce their development cost for similar processes. The competition would be able to reduce their expenditure of resources and be able to offer the same product or process at lower cost. This would create an unfair advantage for our competition.

We have divided the information contained in our NRC license application into two parts: 1) In the main text of our license application all confidential information has been removed. The contents of the main application may be published as necessary. 2) We have placed all confidential information into separate and specific documents. We have made an effort to declare only that information confidential as we deem absolutely necessary.

Confidential documents are labeled according to 10 CFR 2.390(b)(i). Due to this separation of confidential information we consider the complete document with all pages proprietary and confidential and would like to withhold it from publication.

Further we declare according to 10 CFR 2.390(b)(iii)

The information contained in this document is held confidential by us. We require our employees, management, suppliers and customers to sign confidentiality agreements if they need access to this information.

The document contains distinguishing aspects of our processes. Ideas mentioned in this document may be patentable. The information is based on measured and calculated data over the course of several years. We reserve the right for any type of licensing, patenting or other use of the information in the future. The description and submission to the NRC of these trade secrets is necessary in order to completely evaluate our license application.

We have submitted the documents labeled as confidential and proprietary according to 10 CFR 2.390 (b)(i).

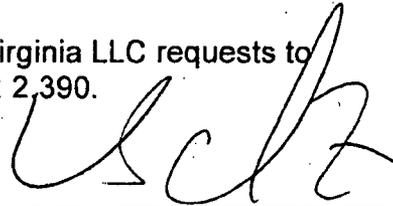
The information is not available in public sources. Even if some of our processes could be considered state of the art, it is still confidential and proprietary which of such processes we actually apply.

The public disclosure of the information sought to be withheld will create irreparable damage to HBM Virginia and our business partners:

Our processes have been developed based on 30 years of experience by our business partners. Substantial know-how and development cost lead to our trade secrets. If our competition learns about our secret processes they will have the opportunity to either copy our ideas or to substantially reduce their development cost for similar processes. The competition would be able to reduce their expenditure of resources and be able to offer the same product or process at lower cost. This would create an unfair advantage for our competition.

The information will allow our competition to easily replicate our processes where we have spent several years of development and introduced know-how of up to 30 years at our business partner BCS Stones GmbH.

Accordingly, for all of the above reasons, HBM Virginia LLC requests to withhold the said document according to 10 CFR 2.390.



Martin Zimmermann

Sworn to before me this

17 th day of ~~September~~ <sup>December</sup> 2007

  
\_\_\_\_\_  
Notary Public  
State of Nevada  
County of Clark

