

April 29, 2009

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 January 30, 2009, Ms. Tammy Orr transmitted an affidavit, signed by Mr. Albert Kennedy, requesting that information, related to General Electric-Hitachi (GEH) laser enrichment facility project costs and a licensing review matrix, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. Ms. Orr did not provide a non-proprietary version of the information.

In the affidavit, dated January 30, 2009, Mr. Kennedy stated that GEH wishes to withhold from public disclosure, Enclosures 2 and 3 of the January 30, 2009 letter from Ms. Orr to Mr. Michael Weber of the U.S. Nuclear Regulatory Commission (NRC) as proprietary information.

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

1. It contains information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
2. It is information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product or process.
3. 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
4. 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 Mr. Kennedy provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Mr. Kennedy'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 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.

If you have any questions, please contact Mr. Timothy C. Johnson at (301) 492-3121.

Sincerely,

**/RA/**

Brian W. Smith, Chief  
Uranium Enrichment Branch  
Fuel Facility Licensing Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-7016

cc:	William Szymanski/DOE	Bruce Shell/New Hanover County
	Patricia Campbell/GEH	Marty Lawing/Brunswick County
	Robert Brown/GEH	George Brown/Pender County
	Tammy Orr/GEH	Bill Saffo/Wilmington
	Mike Giles/CFC	Malissa Talbert/Wilmington
	Tom Clements/FOTE	Wanda Lagoe/NCOSH
	David Springer/CFRW	Cameron Weaver/NCDENR
	Stephen Rynas/NCDENR	Jennifer Frye/USACE
	Jennifer Braswell/New Hanover County	Kimberly Garvey/USACE
	Christopher O'Keefe/New Hanover County	David Weaver/New Hanover County
	Lafayette Atkinson/NCOSH	

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<b>NAME</b>	TJohnson	VWilliams	BSmith
<b>DATE</b>	04/28/09	04/29/09	04/29/09

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