

**HITACHI**

GE Hitachi Global Laser Enrichment

Proprietary Information Notice

This letter contains sensitive Proprietary Information which is to be withheld from public disclosure in accordance with 10CFR2.390. The Attachment to this letter is not sensitive.

Tammy Orr
President
Global Laser Enrichment

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December 20, 2007
AEK 07-002

ATTN: Document Control Desk
Michael F. Weber, Director
Office of Nuclear Material Safety & Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Reference: Letter, R.E. Brown (GE Nuclear Energy) to Jack Strosnider, NRC,
(October 11, 2006)

Subject: Enrichment Facility Project Licensing Update

GE Hitachi Global Laser Enrichment LLC (GLE) would like to provide you an update on our efforts toward the licensing of an enrichment facility employing laser isotope separation.

In the referenced letter, we discussed our approach and timetable for submitting a license amendment application for the first phase test loop and a subsequent request for a materials license for the full-scale enrichment facility. GLE submitted a license amendment application for the test loop under the Global Nuclear Fuel-Americas (GNF-A) NRC facility license (SNM-1097) on June 29, 2007. This submittal is currently under NRC staff review.

GLE is now updating its schedule for submitting the full-scale enrichment facility license application to September 2008.

GLE provides this information in order that the NRC Staff may assure that adequate resources will be available to support licensing the facility. GLE intends to work with the NRC Staff and continue ongoing communications as the work progresses.

This letter contains commercial information regarding GLE's planned schedule for its full-scale enrichment facility.

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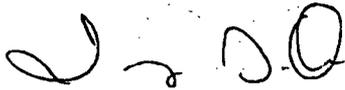
~~Proprietary Information - Withhold from Public Disclosure per 10 CFR 2.390~~

Mr. Michael F. Weber (NRC)
December 20, 2007
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The affidavit contained in the enclosure identifies that the information in this letter has been handled and classified as proprietary to GLE. GLE hereby requests that this letter be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

Please contact Al Kennedy at 910.602.1925 or me should you have any questions.

Sincerely,



Tammy G. Orr
President Global Laser Enrichment LLC

Enclosure: Affidavit

cc: AEK 07-002
Chris Monetta (GEH)
Harold Neems (GEH)
Bob Brown (GEH)
Don Silverman (Morgan Lewis)
Martin O'Neill (Morgan Lewis)

GE-Hitachi Global Laser Enrichment LLC

AFFIDAVIT

I, Tammy G. Orr, state as follows:

- (1) I am President, 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 GLE's letter, AEK 07-002, Tammy G. Orr to Michael F. Weber (NRC), entitled "Enrichment Facility Project Licensing Update", December 20, 2007.
- (3) In making this application for withholding of confidential commercial 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 and commercial or financial information obtained from an individual and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information" and some of the information 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, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definitions of confidential commercial information or 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 other companies;
 - b. 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;
 - c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies or planning of GLE, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future GLE customer-funded development plans and programs, resulting in potential products to GLE;
 - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be confidential commercial information for the reasons set forth in paragraph (4)c. above.

- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to 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, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or confidentiality agreements which provide for maintenance of the information in confidence. Its initial designation as confidential information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of confidential treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or subject to the terms under which it was licensed to GLE. Access to such documents within GLE is limited on 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 and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the confidential 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 confidentiality agreements.
- (8) The information identified in paragraph (2) above is classified as confidential because it reveals commercial and/or financial information regarding the operations and plans of GLE and its related joint venture entities.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GLE's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GLE's comprehensive light water reactor technology and services base, and its commercial value extends beyond the original development cost.

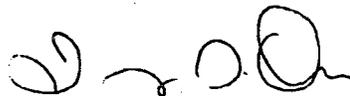
The precise value of the information is difficult to quantify, but it clearly is substantial.

GLE's competitive position will be affected if its competitors are able to utilize this information prior to other drivers for public communication of this information.

The value of this information to GLE would be lost if the information were disclosed to the public. Making such information available to competitors would deprive GLE of the opportunity to control the information's disclosure and its own commercial position.

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 20th day of December 2007.



Tammy G. Orr
GE-Hitachi Global Laser Enrichment LLC