

January 19, 2010

Ms. Julie Olivier, 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 Ms. Olivier:

On November 16, 2009, Mr. Matthew G. Allen transmitted an affidavit, signed by Ms. Tammy G. Orr, requesting that information, related to the General Electric-Hitachi (GEH) laser enrichment Facility Clearance Application, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. Mr. Allen did not provide a non-proprietary version of the information.

In the affidavit, dated November 13, 2009, Ms. Orr stated that GEH wishes to withhold, from public disclosure, Mr. Allen's letter and Enclosures 1 and 2 of the November 16, 2009, as proprietary information. Mr. Allen's letter and Enclosures 1 and 2 discuss corporate changes to the Foreign Ownership, Control, or Influence information submitted with the GEH Facility Clearance Application.

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

1. It contains information that discloses commercial and/or financial information related to GEH's operations and its related joint venture entities, if used by a competitor, could improve its competitive position;
2. The information is being submitted to the U.S. Nuclear Regulatory Commission (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 November 16, 2009, letter from Mr. Allen and Enclosures 1 and 2 of that letter sought to be withheld contain 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, or via e-mail at Timothy.Johnson@nrc.gov.

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

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|--|---------------------------------|
| 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 | Emily Hughes/USACE |
| Jennifer Braswell/New Hanover County | Lee Cox/NCDENR |
| Christopher O'Keefe/New Hanover County | David Weaver/New Hanover County |
| Lafayette Atkinson/NCOSH | Albert Kennedy/GEH |

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