

January 28, 2010

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 29, 2009, Ms. Julie Olivier transmitted an affidavit, signed by Ms. Olivier, requesting that information, related to the General Electric-Hitachi (GEH) laser enrichment facility license application, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. GEH did not provide a non-proprietary version of the information.

In the affidavit, dated December 29, 2009, Ms. Olivier stated that GEH wishes to withhold, from public disclosure, Enclosure 1 of the December 29, 2009, entitled "Submittal of GLE Procedure for Unanticipated Discovery of Human Remains/Artifacts" as proprietary information. This procedure describes the steps taken should human remains or artifacts be discovered during construction activities. Enclosure 1 is the internal GLE procedure which is not available to public sources.

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

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.

We have reviewed the justification that Ms. Olivier provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Ms. Olivier's statements, have determined that Enclosure 1 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.

J. Kennedy

2

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 the U.S. Nuclear Regulatory Commission (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 Ms. Jennifer A. Davis at (301) 415-3835 or via email at [Jennifer.Davis@nrc.gov](mailto:Jennifer.Davis@nrc.gov).

Sincerely,

**/RA/**

Andrea L. Kock, Chief  
Environmental Review Branch  
Environmental Protection  
and Performance Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 70-7016

cc: See next page

cc: William Szymanski/DOE  
Bruce Shell/New Hanover County  
Patricia Campbell/GEH  
Marty Lawing/Brunswick County  
Robert Brown/GEH  
George Brown/Pender County  
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Bill Saffo/Wilmington  
Mike Giles/CFC  
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David Weaver/New Hanover County  
Lafayette Atkinson/NCOSH

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2

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Sincerely,

**/RA/**

Andrea Kock, Chief  
Environmental Review Branch  
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Office of Federal and State Materials  
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