

April 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 April 1, 2010, Mr. Mark D. Venters transmitted two affidavits, one signed by Ms. Tammy Orr and the other signed by Mr. Sean A. Quinn, 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. Venters did not provide a non-proprietary version of the information.

In the affidavit signed by Ms. Orr, dated March 23, 2010, Ms. Orr stated that GEH wishes to withhold, from public disclosure, Mr. Venter's letter and Enclosures 1 and 2 of the April 1, 2010, letter as proprietary information. Mr. Venter's letter and Enclosures 1 and 2 discuss GEH 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 strategies and planning information related to GEH's operations;
2. It contains commercial and/or financial information and, if used by a competitor, could improve its competitive position;
3. 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
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.

In the affidavit signed by Mr. Quinn, dated March 25, 2010, Mr. Quinn stated that Cameco U.S. Holdings (CUH) wishes to withhold, from public disclosure, Enclosure 3 of the April 1, 2010, letter as proprietary information. Enclosure 3 discusses CUH corporate changes to the Foreign Ownership, Control, or Influence information submitted with the GEH Facility Clearance Application.

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

1. It contains information that discloses commercial strategies and planning information related to CUH's operations;
2. It contains commercial and/or financial information and, if used by a competitor, could improve its competitive position;
3. The information is being submitted to NRC in confidence and is information that is typically held in confidence by CUH and is in fact held in confidence by CUH; and
4. The information has the potential to result in substantial harm to the competitive position of CUH and reduce or foreclose the availability of profit opportunities.

We have reviewed the justifications that Ms. Orr and Mr. Quinn provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Ms. Orr's and Mr. Quinn's statements, have determined that the April 1, 2010, letter from Mr. Venters and Enclosures 1, 2, and 3 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice." Copies of this will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room)

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

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

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,

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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	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	Jerald Head/GEH

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