

August 26, 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 July 29, 2010, Mr. Mark D. Venters transmitted three affidavits, one signed by Ms. Tammy Orr, one signed by Ms. Caroline Reda, and the other signed by Ms. Tillie Lim, 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 July 29, 2010, Ms. Orr stated that GEH wishes to withhold, from public disclosure, Mr. Venter's letter and Enclosure 1 of the July 29, 2010, letter as proprietary information. Mr. Venter's letter and Enclosure 1 discuss GEH corporate changes to the Foreign Ownership, Control, or Influence (FOCI) 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 Ms. Reda, dated July 26, 2010, Ms. Reda stated that GENE Holding LLC, the owner of the information, wishes to withhold, from public disclosure, Mr. Venters letter and Enclosures 2 through 4 of the July 29, 2010, letter as proprietary information. Mr. Venter's letter and Enclosures 2 through 4 discuss corporate changes to the FOCI information submitted with the GEH Facility Clearance Application.

In the affidavit, Ms. Reda 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 GENE Holding LLC'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 GENE Holding LLC and is in fact held in confidence by GENE Holding LLC; and
4. The information has the potential to result in substantial harm to the competitive position of GENE Holding LLC and reduce or foreclose the availability of profit opportunities.

In the affidavit signed by Ms. Lim, dated July 27, 2010, Ms. Lim stated that Hitachi America, Ltd, wishes to withhold, from public disclosure, Mr. Venters letter and Enclosure 5 of the July 29, 2010, letter as proprietary information. Mr. Venter's letter and Enclosure 5 discuss corporate changes to the FOCI information submitted with the GEH Facility Clearance Application.

In the affidavit, Ms. Lim 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 Hitachi America, Ltd'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 Hitachi America, Ltd, and is in fact held in confidence by Hitachi America, Ltd.; and
4. The information has the potential to result in substantial harm to the competitive position of Hitachi America, Ltd, and reduce or foreclose the availability of profit opportunities.

We have reviewed the justifications that Ms. Orr, Ms. Reda, and Ms. Lim provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Ms. Orr's, Ms. Reda's, and Ms. Lim's statements, have determined that the July 29, 2010, letter from Mr. Venters and Enclosures 1, 2, 3, 4, and 5 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.

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
Jerald Head/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

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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 Patricia Campbell/GEH Jerald Head/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
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