

# GLOBAL

Laser Enrichment

**Proprietary, Security-Related Information Notice**

*This letter forwards sensitive proprietary and security-related information which is to be withheld from public disclosure in accordance with 10CFR2.390 and RIS 2005-31. When separated from the enclosures, this letter is non-sensitive.*

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**December 9, 2010**

Document Control Desk  
Attention: Alan Frazier, Acting Chief  
Uranium Enrichment Branch  
Fuel Facility Licensing Directorate  
Division of Fuel Cycle Safety & Safeguards  
Office of Nuclear Materials Safety & Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Subject: **RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION DATED  
NOVEMBER 19, 2010 FOR GLOBAL LASER ENRICHMENT LICENSE  
APPLICATION**

Dear Mr. Frazier:

GE-Hitachi Global Laser Enrichment LLC (GLE) hereby submits the additional information regarding Human Factors requested in the November 19, 2010 letter (Enclosure 1). In addition, Enclosure 2 contains the revised procedure for preparing IROFS Boundary Definition Packages. Enclosure 3 is an affidavit in support of withholding proprietary information from the public. Enclosures 1 and 2 of this letter contain sensitive Proprietary and Security-Related Information and should be withheld from public disclosure. When separated from the enclosures, this letter is non-sensitive.

If there are any questions regarding this letter and its contents, please do not hesitate to contact me at 910-819-4799 or at Julie.Olivier@ge.com.

Sincerely,



Julie Olivier  
GLE Licensing Manager

Docket No. 70-7016

NMSS01

Enclosures:

1. Response to November 19, 2010 NRC Request for Additional Information (*contains proprietary and security-related information*)
2. Procedure for preparing IROFS Boundary Definition Packages (*contains proprietary information*)
3. Affidavit in support of withholding the IROFS Boundary Definition package procedure from public disclosure

CC:

Tim Johnson, NRC  
Nick Baker, NRC  
Jerry Head, GLE  
Chris Monetta, GLE  
Ken Givens, GLE

# GE-Hitachi Global Laser Enrichment LLC

## AFFIDAVIT

I, **Julie A. Olivier**, state as follows:

- (1) I am the Licensing Manager of GE-Hitachi Global Laser Enrichment (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 Enclosure 2 of GLE's letter, from myself to Alan Frazier, entitled RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION DATED NOVEMBER 19, 2010 FOR GLOBAL LASER ENRICHMENT LICENSE APPLICATION, dated December 9, 2010.
- (3) In making this application for withholding of proprietary 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 (Exemption 4). The material 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, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of 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 GLE and/or other companies.
  - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
  - c. Information that reveals aspects of past, present, or future GLE customer-funded development plans and programs, that may include potential products of GLE.
  - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.

the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GLE's competitive advantage will be lost if its competitors are able to use the results of the GLE experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GLE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GLE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

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 9th day of December, 2010.

A handwritten signature in black ink, appearing to read "Julie A. Olivier". The signature is written in a cursive style with a large initial "J".

Julie A. Olivier  
GE Hitachi Global Laser Enrichment LLC