

December 22, 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 December 2, 2010, Mr. Mark D. Venters transmitted an affidavit signed by you 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 you signed, dated December 20, 2010, you stated that GEH wishes to withhold, from public disclosure, Mr. Venter's letter and Enclosure 1 of the December 20, 2010, letter as proprietary information. Mr. Venter's letter and Enclosure 1 discuss GEH's corporate changes to the Foreign Ownership, Control, or Influence information submitted with the GEH Facility Clearance Application.

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

1. It contains information that discloses details of GEH's business structure and licensing methods for the proposed GEH uranium enrichment facility;
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.

We have reviewed the justifications that you provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the December 20, 2010, letter from Mr. Venters and Enclosure 1 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/

Alan L. Frazier, Acting 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
	Jerald Head/GEH	George Brown/Pender County
	Chris Monetta/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	

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DATE	12/21/10	12/21/10	12/22/10

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