

January 4, 2011

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 September 7, 2010, Mr. Jerald Head transmitted an affidavit signed by Mr. Head requesting that information related to the proposed General Electric-Hitachi (GEH) Laser Enrichment Facility be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. Mr. Head did not provide a non-proprietary version of the information.

In the affidavit Mr. Head signed, dated September 7, 2010, Mr. Head stated that GEH wishes to withhold, from public disclosure, Enclosure 1 of the September 7, 2010, letter as proprietary information. Enclosure 1 of Mr. Head's letter discusses a nonproliferation assessment GEH performed on its proposed technology for a laser-based uranium enrichment plant.

In the affidavit, Mr. Head 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 development plans and programs for the proposed GEH uranium enrichment facility that may include potential products of GEH;
2. It contains development plans and program 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 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 Enclosure 1 of the September 7, 2010, letter 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.

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 of my staff at (301) 492-3121 or via email at [Timothy.Johnson@nrc.gov](mailto:Timothy.Johnson@nrc.gov).

Sincerely,

**/RA/**

Alan Frazier, Acting Chief  
Uranium Enrichment Branch  
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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Sincerely,

**/RA/**

Alan Frazier, Acting Chief  
Uranium Enrichment Branch  
Division of Fuel Cycle Safety  
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Office of Nuclear Material Safety  
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Bill Saffo/Wilmington  
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Wanda Lagoe/NCOSH  
Cameron Weaver/NCDENR  
Emily Hughes/USACE  
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<b>DATE</b>	01/3/11	01/3/11	01/4/11

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