September 12, 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 August 29, 2011, you transmitted an affidavit signed by Ms. Tillie Lim requesting that information related to Foreign Ownership, Control, and Influence (FOCI) of Hitachi America, Ltd. (HAL), a partner in 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. You did not provide a non-proprietary version of the information.

In the affidavit signed by Ms. Lim, dated August 18, 2011, she stated that HAL wishes to withhold, from public disclosure, the letter from you, dated August 29, 2011, and Enclosures 1 and 2 of the August 29, 2011, letter as proprietary information. The cover letter and Enclosures 1 and 2 of your letter contain information on the corporate organization and personnel of HAL.

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 or financial information regarding the operations and plans of HAL;

2. The information, 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 HAL and is in fact held in confidence by HAL; 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 your cover letter and Enclosures 1 and 2 of the 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.

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
Chris Monetta/GEH
Mike Giles/CFC
Tom Clements/FOTE
Doug 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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and Safeguards
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OFC	**UEB**		**FMB**		**UEB**	
NAME	TJohnson		LAllen		BSmith	
DATE	09/09/11		09/09/11		09/12/11	

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