



HITACHI

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Security Related and Proprietary Information Notice

Enclosure 2 to this letter contains both security related and proprietary information which is to be withheld from public disclosure in accordance with 10CFR2.390.

M210078

June 17, 2021

Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Document Control Desk

Subject: Updated GEH Morris Operation (MO) Decommissioning Funding Plan (DFP)

References:

- 1) NRC License SNM-2500, Docket 72-01
- 2) Letter S.P. Murray (GEH) to Director, Office of Nuclear Material Safety and Safeguards, "Updated GEH Morris Operation (MO) Decommissioning Funding Plan" dated 3/6/20 (ML20066K270, ML20066K274)
- 3) Letter S.P. Murray (GEH) to K.L. Banovac (NRC), "GEH Response to Request for Information for Acceptance Review of the MO DFP" dated 4/21/21 (ML21111A334, ML21111A335)
- 4) E-mail, K. Banovac (NRC) to S.P. Murray (GEH) "Request for Additional Information on MO DFP", 6/15/21 (ML21167A332)

Dear Sir or Madam:

GE Hitachi Nuclear Energy Americas, LLC (GEH) hereby provides an updated decommissioning funding plan (DFP) pursuant to 10 CFR 72.30(c) and Reference 4 for the Morris Operation SNM-2500 license (Reference 1).

The decommissioning cost estimate was reviewed and updated in June 2021 to include an additional waste disposal fee. As a result of this update, the estimates for disposal costs have been increased from the previous version.

An updated MO DFP is provided as Enclosure 2 to this letter and replaces the previously submitted version (Reference 2). Please note that this DFP contains both security related and sensitive proprietary information and is requested to be withheld from public disclosure in accordance with 10 CFR 2.390.

An updated redacted (public) MO DFP is provided as Enclosure 3 to this letter and replaces the previously submitted redacted version (Reference 3).

Please contact me at (910) 819-5950 if you have any questions.

US NRC
M210078
6/17/2021

Sincerely,


Scott P. Murray, Manager
Facility Licensing

Enclosures:

- 1) GEH Affidavit
- 2) GEH MO SNM-2500 Decommissioning Funding Plan, Revision 5, 6/17/21 (Contains Proprietary Information)
- 3) GEH MO SNM-2500 Decommissioning Funding Plan, Revision 5, 6/17/21 (Redacted – public)

Cc: K. Banovac, USNRC NMSS/DFM/STLB
US NRC Region III Administrator
SPM 21-018

Enclosure 1
GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, Scott P. Murray, state as follows:

- (1) I am the Manager, Licensing & Liabilities of GE-Hitachi Nuclear Energy (GEH), 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 provided in the GEH MO DFP, Revision 5, Tables 1.1, Tables 6.1 through 6.8, and Figure 8.1. GEH proprietary information contained in these documents is identified by the statement "GEH Proprietary Information – Withhold from Public Disclosure Pursuant to 10 CFR 2.390"
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over GEH 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 GEH customer-funded development plans and programs, that may include potential products of GEH.
 - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GEH, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GEH, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and

