



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

September 8, 2022

Scott P. Murray
Manager, Facility Licensing
GE Hitachi Nuclear Energy
3901 Castle Hayne Road
P.O. Box 780, M/C K-84
Wilmington, NC 28402

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION APPROVAL OF GE-HITACHI NUCLEAR ENERGY AMERICAS LLC REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR THE MORRIS OPERATION LICENSE RENEWAL APPLICATION (CAC/EPID NOS. 001028/ L-2020-RNW-0024)

Dear Scott P. Murray:

By letters dated February 26, 2021, June 7, 2021, January 27, 2022, and May 12, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML21057A119, ML21158A099, ML22027A516, and ML22132A072, respectively), GE-Hitachi Nuclear Energy Americas LLC (GEH) submitted affidavits, executed by Scott P. Murray, requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- February 26, 2021, submittal, attachment 4, GEH Aging Management Program Standard Operating Procedures (SOPs): SOP 16-17 "Fuel Storage System Inspection"; SOP 16-10 "Basin Water Analysis"; and SOP 16-102 "Sample Well Analysis"
- February 26, 2021, submittal, attachment 5, GEH Aging Management Program Inspection and Evaluation Reports: GENE 689-013-0893 "Morris Fuel Recovery Center Fuel Storage Basin Liner Visual Examination Summary"; GENE 689-003-0494 "Morris Fuel Recovery Center Fuel Storage Basin Liner Metallurgical Evaluation"; NEDO 20969B Operating Experience-Irradiated Fuel Storage-Morris Operation; Preventive Maintenance Building Inspections 2005 – 2014; SOP 16-17 Reports 2015 – 2020; Graph of GEH Morris Basin Leak Detection Rate (1997 – 2019)
- GEH Morris Operation Consolidated Safety Analysis Report (CSAR), Revision 15, appendix A.16, attachment 1, "Engineering Calculation Sheet Number: eDRF Section 0000-0137-7338 REV. 1 (eIV 0000-0148-6891)," which was included in the June 30, 2020, submittal (ML20182A699) and the March 24, 2021, submittal (ML21083A200)
- SOP 16-17, Draft Revision 5, included as attachment 4 in the January 27, 2022, and the May 12, 2022, submittals

The affidavits stated that the submitted information should be considered exempt from

mandatory public disclosure for the following reasons:

- 1) The information sought to be withheld is being submitted to the U.S. Nuclear Regulatory Commission (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 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.
- 2) The information sought to be withheld is considered to be proprietary information because it is: (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, and (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. The information is classified as proprietary because it contains details of GEH's processes, methods, design or manufacturing facilities.
- 3) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH's comprehensive [boiling water reactor] BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.
- 4) The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH 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.
- 5) The value of this information to GEH 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 GEH 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.

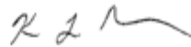
We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the above listed documents marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

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 the NRC. You also should 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 the date of public disclosure which will be a reasonable time thereafter.

If you have any questions regarding this matter, please contact me at (301) 415-7116 or Kristina.Banovac@nrc.gov.

Sincerely,



Signed by Banovac, Kristina
on 09/08/22

Kristina L. Banovac, Project Manager
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-01
License No. SNM-2500
CAC/EPID Nos. 001028/L-2020-RNW-0024

cc: Morris Operation Service List

Morris Operation Service List

cc:

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Proprietary determination letter for GEH-Morris license renewal application submittals DATE September 8, 2022

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