

February 14, 2023

Jane Marshall
Director, Division of Decommissioning, Uranium Recovery, and Waste Programs
Office of Nuclear Materials, Safety and Safeguards
U.S. Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852-2746

Subject: Application for Withholding from Public Disclosure Confidential Commercial Information in NEI 22-01, "License Termination Process," January 2023.

Dear Ms. Marshall:

Pursuant to 10 CFR 2.390(b), the Nuclear Energy Institute (NEI)¹ requests that the U.S. Nuclear Regulatory Commission (NRC) withhold NEI Technical Report NEI 22-01, "License Termination Process," January 2023, from public disclosure. NEI 22-01 contains confidential commercial information owned by NEI and was provided to the NRC staff as an enclosure to the letter identified below in subparagraph 1.

- (1) February 13, 2023, NEI letter to the NRC titled "Request for Review and Endorsement of NEI 22-01, "License Termination Process"

NEI is voluntarily providing NEI 22-01 to the NRC to support improvements in the license termination process for commercial nuclear reactor licensees.

A copy of the affidavit submitted in support of this nondisclosure request is included as Enclosure 1 to this letter. The affidavit sets forth the basis on which the information should be withheld from public disclosure and addresses applicable factors in 10 CFR 2.390(b)(1)(ii)-(iii) and 10 CFR 2.390 (b)(4)(i)-(v). A copy of NEI 22-01 is marked as required by 10 CFR 2.390(b)(1)(i)(A) and is included as Enclosure 2 to this letter. A redacted version of NEI 22-01 is included as Enclosure 3.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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NEI 22-01 is provided for the internal use of NRC only and may be used only for the purpose for which it is being released by NEI. NEI 22-01 should not be otherwise used or disclosed to any other persons without prior written permission from NEI. Accordingly, we respectfully request that the NRC withhold NEI 22-01 from public disclosure in accordance with 10 CFR 2.390. A redacted version of NEI 22-01 is provided to NRC in Enclosure 3 for the purposes of public disclosure.

If the NRC determines that NEI 22-01 cannot be withheld pursuant to 10 CFR 2.390, then we respectfully withdraw the document and request that it be returned pursuant to 10 CFR 2.390(c)(3).

Please contact me at 202.739.8082 or rxm@nei.org with any questions concerning this nondisclosure request or the contents of the letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rodney McCullum', is written over a light blue horizontal line.

Rodney McCullum

Attachments:

- Enclosure 1 Affidavit
- Enclosure 2 NEI 22-01, "License Termination Process," dated January 2023
- Enclosure 3 NEI 22-01, "License Termination Process," dated January 2023 (redacted)

cc:

Mr. Bruce Watson, NMSS/DUWP
Ms. Cynthia Barr, NMSS/RTAB
Mr. Shaun Anderson, NMSS/DUWP/RDB
NRC Document Control Desk