

**AFFIDAVIT OF ROD MCCULLUM**

District of Columbia:

SS

Before me, the undersigned authority, personally appeared Rod McCullum, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this affidavit on behalf of the Nuclear Energy Institute (NEI), and that the averments of facts set forth in this affidavit are true and correct to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
Rod McCullum  
Senior Director, Decommissioning and Used Fuel

Executed at 1201 F Street, NW, Suite 1100, Washington, DC, 20004

Sworn to and subscribed  
Before me this 13<sup>th</sup> day of February 2023

  
\_\_\_\_\_  
Catherine Bernasco Robinson

Notary Public



District of Columbia  
Signed and Sworn to (or affirmed) before me on 2/13/2023 (Date)  
by Rod McCullum  
(Name(s) of Individual(s) Making Statement)  
Signature of Notarial Officer: Catherine Bernasco Robinson  
Title of Office: DC Public Notary  
My Commission Expires: July 14, 2026

I, Rod McCullum, being duly sworn, depose and state as follows:

1. I am the Senior Director of Decommissioning and Used Fuel for the Nuclear Energy Institute (NEI). I have been specifically delegated the function of reviewing certain confidential commercial information that NEI seeks to have withheld from public disclosure pursuant to 10 CFR 2.390 and am authorized to apply for its withholding on behalf of NEI. For the purposes of this affidavit, I am the owner of this information contained in the Letter identified below. I have personal knowledge of the factors that NEI considers in deciding whether to designate information as privileged or confidential commercial or financial information.

2. The information that NEI seeks to protect from public disclosure is contained in NEI Technical Report NEI 22-01 "License Termination Process." NEI 22-01 is provided to the NRC as an enclosure to the letter identified below.

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

NEI is providing the information contained in NEI 22-01 to the U.S. Nuclear Regulatory Commission (NRC) as part of a voluntary submission to Ms. Jane Marshall, Director, Division of Decommissioning, Uranium Recovery and Waste Programs.

3. This affidavit is submitted to the NRC pursuant to 10 CFR 2.390(b), in support of NEI's request that the NRC withhold portions of NEI 22-01 from public disclosure. NEI is requesting that portions of NEI 22-01 be withheld because it contains NEI privileged or confidential commercial information under 10 CFR 2.390(a)(4).

4. The basis for withholding the information from the public is as follows:

- (i) The information contained in NEI 22-01 has been held in confidence by NEI. Further, the information in NEI 22-01 is the type of information that is, and will be, customarily held in confidence pursuant to NEI's current internal policies and guidance.

NEI 22-01 is being transmitted to the NRC in confidence. NEI requests that the document be received and held in confidence by the NRC, consistent with 10 CFR 2.390.

Specifically, NEI 22-01 contains internal NEI confidential commercial information that has not been made available to the public, to the best of my knowledge and belief. Further, to the best of my knowledge and belief, NEI 22-01 is not available via public sources.

- (ii) A rational basis exists under 2.390(b)(4) for NEI to request the NRC withhold the confidential information contained in NEI 22-01 from public disclosure.

As noted above, the information is NEI's confidential commercial information that is held in confidence, transmitted to the NRC in confidence, and is not publicly available.

The information contained in NEI 22-01 is of commercial value to NEI and a public release would harm NEI's competitive position. NEI is a membership organization. Development of the guidance contained in NEI 22-01, which provides specific guidance to licensees in the development of license termination plans pursuant to 10 CFR 50.82, 10 CFR 20 Subpart E, and Regulatory Guide 1.179, required considerable effort by NEI and its members. Public release of the document would negatively impact the value of the information to NEI. For all these reasons, portions of NEI 22-01 should be withheld from public disclosure. NEI will make the document available to all NEI members and to non-NEI members for a reasonable fee. Thus, access to NEI 22-01 would not be limited to any arbitrary class of licensees.

5. A version of NEI 22-01 with confidential and proprietary content redacted is provided for your use.

6. I have read the foregoing and the matters stated therein are true and correct to the best of my knowledge, information and belief.