



# HITACHI

## GE Hitachi Nuclear Energy

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### Proprietary Information Notice

*This letter forwards company proprietary information which is to be withheld from public disclosure in accordance with 10CFR2.390. The balance of this letter may be considered non-sensitive upon the removal of Attachment 2.*

SPM 12-038

August 16, 2012

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Region III-Division of Nuclear Materials  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

Attention: Matthew Learn

Subject: GEH Morris Facility Site Monitoring Well Information

References: 1) NRC License-2500, Docket No. 72-01  
2) Telecom, M. Learn to J. Tenorio, 8/3/12

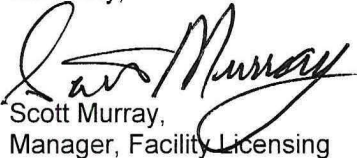
Dear Mr. Learn:

GEH Morris hereby submits additional information you and Mr. Tenorio discussed during your telecom on August 3, 2012 (Reference 2).

GEH Morris requests that Attachment 2 to this letter be withheld from public disclosure under 10 CFR 2.390 as it contains company proprietary information associated with the land sale transaction.

If you have any questions regarding this matter, please contact Joe Tenorio at 815-942-5590 X174.

Sincerely,



Scott Murray,  
Manager, Facility Licensing

Attachments 1 - GEH Affidavit  
2 - Excerpts from ERM Phase II Environmental Site Assessment Report  
3 - GEH Morris Facility Groundwater Monitoring Well Locations  
4 - GEH Morris Facility Groundwater Monitoring Results

Commitments: None

cc:

C. Lipa, NRC RIII  
P. Longmire, NRC NMSS HQ

GE-Hitachi Nuclear Energy

## 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 by GEH 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 an attachment to GEH's letter, SPM 12-038, Scott P. Murray to Matthew Learn entitled GEH Morris Facility Site Monitoring Well Information. GEH proprietary information is contained in Attachment 2, and is identified by the statement "GE Hitachi Proprietary Information".
- (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.
- (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. Access to such documents within GEH is limited to a "need to know" basis.
- (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 determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary and/or confidentiality agreements.


- (8) The information identified in paragraph (2) above is classified as proprietary because it contains details of GEH's processes, design and manufacturing facilities.
- (9) 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 facility design and licensing methodology is part of GEH's comprehensive 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.

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.

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.


I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 16th day of August, 2012.

  
Scott P. Murray  
GE Hitachi Nuclear Energy

STATE OF NORTH CAROLINA     )  
  )  
COUNTY OF NEW HANOVER     )

Subscribed and sworn to me, a Notary Public, in and for the State of North Carolina, this 16th day of August, 2012.

  
\_\_\_\_\_  
Notary Public in and for the  
State of North Carolina



My Commission Expires: June 23, 2013

US NRC  
August 16, 2012

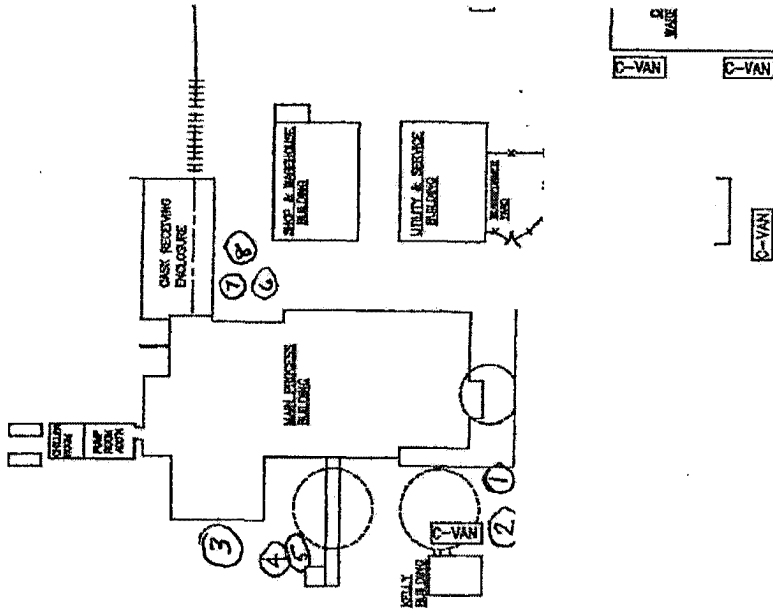
Attachment 3  
GEH Morris Facility Groundwater Monitoring Well Locations

Attachment 3  
GEH Morris Facility Groundwater Monitoring Well Locations

WELL LOCATIONS -



N ↑



✓ SAMPLE WELLS Nos. 1-8

US NRC  
August 16, 2012

Attachment 4  
GEH Morris Facility Groundwater Monitoring Results

Attachment 4  
GEH Morris Facility Groundwater Monitoring Results

Well Sample Date	<u>DM-1</u>		<u>DM-2</u>		<u>DM-3</u>		<u>DM-4</u>	
	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)
1/24/1994	185		185		189		424	
4/20/1994	187		192		192		646	
7/29/1994	170		170		170		480	
10/20/1994	146		146		209		518	
1/23/1995	174	15.1	174	18.2	174	24.5	547	16.9
5/2/1995	172	15.6	172	2	172	22.4	255	19.7
7/7/1995	160	21.7	156	21	159	29.4	285	28.6
10/25/1995	160	22.9	252	30.3	191	31.8	304	35
2/9/1996	163	15.7	188	14.3	152	16.6	278	20.9
5/3/1996	164	25.8	160	12.8	160	20.3	383	25.2
7/9/1996	158	13.9	149	18.6	149	18.2	141	24.9
10/2/1996	156	13.6	156	18.1	156	21.5	155	30.4
1/2/1997	164	15.6	181	21.9	164	23.2	181	31.2
10/3/1997	175		201		175		331	
1/6/1998	179		179		179		211	
4/14/1998	175		155		155		201	
7/1/1998	173		173		173		173	
10/12/1998	171		171		171		171	
1/27/1999	162		162		162		229	
3/31/1999	158		158		158		162	
7/7/1999	156		157		169		169	
10/5/1999	183		183		183		1264	
1/12/2000	179		179		148		155	
4/3/2000	147		152		147		190	
7/6/2000	154		154		154		154	
10/3/2000	179		158		179		179	
3/7/2001	181		181		181		182	
5/9/2001	181		181		185		185	
7/10/2001	153		153		153		142	
10/9/2001	168		168		168		168	
1/8/2002	153		120		120		120	
4/5/2002	138		138		138		138	
7/7/2002	132		132		132		164	
10/9/2002	176		176		176		176	
1/7/2003	134		134		134		134	
4/9/2003	151		151		162		166	
7/10/2003	159		159		159		159	
10/9/2003	164		164		164		164	
1/5/2004	153		160		160		160	
4/8/2004	162		162		162		312	

Attachment 4  
GEH Morris Facility Groundwater Monitoring Results

Well	<u>DM-1</u>		<u>DM-2</u>		<u>DM-3</u>		<u>DM-4</u>	
Sample Date	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)
7/6/2004	159		159		268		365	
10/5/2004	131		131		143		192	
1/10/2005	155		155		DRY		301	
4/6/2005	174		174		174		174	
7/7/2005	171		171		171		243	
10/11/2005	177		233		177		177	
1/10/2006	182		182		182		182	
4/11/2006	126		127		126		126	
7/11/2006	143		143		143		143	
10/12/2006	147		147		147		147	
1/10/2006	182		182		182		182	
4/11/2006	126		127		126		126	
7/11/2006	143		143		143		143	
10/12/2006	147		147		147		147	
1/5/2007	171		171		171		171	
4/12/2007	164	16.1	164	14.8	164	25.4	164	27
7/10/2007	178	19.6	178	21.7	178	35.6	178	39.3
10/8/2007	168	10.3	168	11	168	13.3	168	22.8
1/7/2008	162	13.2	162	14.7	162	17.4	162	23.5
4/9/2008	150	10.5	150	11.3	150	19.4	150	23.7
7/9/2008	151	12	151	11.6	151	20.2	151	24.9
10/9/2008	151	14.4	151	18.4	151	22.4	143	28.2
1/7/2009	143	11.7	143	10.4	143	15.1	143	28.5
4/9/2009	157	9.3	157	8.9	157	16.7	157	22.6
7/6/2009	149	9.8	149	12.6	149	21.8	149	25.3
10/8/2009	152	13.8	154	14	154	21.7	154	26.8
1/6/2010	154	12.4	154	15.2	154	13	154	25.6
4/6/2010	151	7.5	151	8.6	151	17.6	151	24.2
7/8/2010	177	9.8	177	8.5	177	11.9	177	22.1
11/9/2010	155	12.2	155	11.5	155	18.1	155	25.1
1/7/2011	144	12.5	144	17.4	144	18.9	144	33.1
4/7/2011	144	11.3	144	5.9	144	15.9	144	23.6
7/6/2011	154	6.6	154	8.5	DRY		154	31.7
10/10/2011	162	14.9	162	17.5	162	22.4	162	27.6
1/4/2012	142	12.2	142	11.7	142	20.7	142	24.8
4/11/2012	142	10.1	142	13.3	142	22.1	142	26.4
7/11/2012	148	10	148	9.5	141	17.5	141	21.8



Attachment 4  
GEH Morris Facility Groundwater Monitoring Results

Well Sample Date	<u>DM-5</u>		<u>DM-6</u>		<u>DM-7</u>		<u>DM-8</u>	
	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)
1/24/1994	387		185		185			
4/20/1994	473		192		192			
7/29/1994	180		160		170		161	
10/20/1994	380		161		158		162	
1/23/1995	401	15	186	26.8	186	19.9	174	29.9
5/2/1995	262	13.4	150	24.6	181	18.4	172	21.6
7/7/1995	204	29.6	157	22.2	156	24	158	44.8
10/25/1995	226	25	183	52	139	25.7	102	33
2/9/1996	188	16.7	167	26.5	152	19.2	152	32
5/3/1996	171	76	164	46	259	2.9	160	22.3
7/9/1996	206	26.3	148	24.6	148	21.3	148	26.6
10/2/1996	183	28.8	156	28.6	156	31.9	156	27.4
1/2/1997	164	36.7	164	29.9	164	25.8	164	4.4
10/3/1997	175		201		175		175	
1/6/1998	179		179		179		179	
4/14/1998	277		175		175		175	
7/1/1998	179		173		173		173	
10/12/1998	171		171		171		171	
1/27/1999	231		162		162		162	
3/31/1999	165		158		158		158	
7/7/1999	405		156		231		156	
10/5/1999	663		162		171		175	
1/12/2000	172		148		124		148	
4/3/2000	878		147		147		147	
7/6/2000	154		154		184		176	
10/3/2000	188		158		158		179	
3/7/2001	181		181		181		182	
5/9/2001	259		181		185		181	
7/10/2001	153		142		142		153	
10/9/2001	168		168		168		168	
1/8/2002	120		120		128		128	
4/5/2002	138		138		138		138	
7/7/2002	174		132		132		132	
10/9/2002	176		176		176		176	
1/7/2003	134		134		134		134	
4/9/2003	151		151		151			DRY
7/10/2003	191		159		159		159	
10/9/2003	164		164		164		164	
1/5/2004	162		160		160			DRY
4/8/2004	162		162		162			DRY

Attachment 4  
GEH Morris Facility Groundwater Monitoring Results

<b>Well</b>	<b><u>DM-5</u></b>		<b><u>DM-6</u></b>		<b><u>DM-7</u></b>		<b><u>DM-8</u></b>	
<b>Sample Date</b>	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)	H-3 (pCi/L)	Gross beta (pCi/L)
7/6/2004	348		333		413		DRY	
10/5/2004	131		131		131		DRY	
1/10/2005	235		352		275		DRY	
4/6/2005	184		184		174		DRY	
7/7/2005	168		168		168		DRY	
10/11/2005	189		177		177		DRY	
1/10/2006	182		182		182		DRY	
4/11/2006	126		126		131		DRY	
7/11/2006	163		143		143		DRY	
10/12/2006	147		147		147		DRY	
1/10/2006	182		182		182		DRY	
4/11/2006	126		126		131		DRY	
7/11/2006	163		143		143		DRY	
10/12/2006	147		147		147		DRY	
1/5/2007	171		171		171		DRY	
4/12/2007	164	13.8	164	31.8	164	29.4	DRY	
7/10/2007	178	22.4	178	54.3	178	51.3	178	44.4
10/8/2007	168	12.4	168	24.9	168	22.8	168	12
1/7/2008	162	14.9	162	24	149	11.8	149	10.6
4/9/2008	150	17.3	150	30.1	150	28.9	150	25.6
7/9/2008	151	20.4	151	23.7	151	26.5	151	14.1
10/9/2008	151	16.8	143	25.3	151	27.7	151	12.7
1/7/2009	143	19.9	143	23.1	143	31	143	11.1
4/9/2009	157	19.9	157	22.7	157	34.5	157	12.6
7/6/2009	149	28	149	32.9	149	34.6	149	12
10/8/2009	154	23.9	154	30.4	154	31.4	154	9.2
1/6/2010	154	28.6	154	26.9	154	40.7	154	12.6
4/6/2010	151	21	151	24.6	151	36.3	151	7.1
7/8/2010	177	18.3	177	23.3	177	28.1	177	9
11/9/2010	155	19.3	155	29.5	155	32.7	155	12.4
1/7/2011	144	16.1	144	24.7	144	26.5	144	23.8
4/7/2011	144	12.8	144	19.3	144	14	144	5.6
7/6/2011	154	14.9	154	15.7	154	24.1	154	10.1
10/10/2011	162	11.5	162	25.1	162	21.8	162	12.7
1/4/2012	142	17.2	142	31.5	142	27.5	142	15.5
4/11/2012	142	16.4	142	30.2	142	31.6	142	14.3
7/11/2012	148	11.6	141	21.9	141	25.4	141	10.2