



# HITACHI

## GE Hitachi Nuclear Energy

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M210114

September 9, 2021

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

**Subject:** GEH Morris Operation (MO) Decommissioning Funding Plan (DFP) Redacted Versions

### 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", Revision 1, dated 12/14/12, (ML12352A103, ML12352A104)
- 3) Letter S.P. Murray (GEH) to Director, Office of Nuclear Material Safety and Safeguards, "Updated GEH Morris Operation (MO) Decommissioning Funding Plan", Revision 2, dated 12/11/15 (ML15345A191, ML15345A192)
- 4) Letter S.P. Murray (GEH) to Director, Office of Nuclear Material Safety and Safeguards, "Updated GEH Morris Operation (MO) Decommissioning Funding Plan", Revision 3, dated 12/14/18 (ML18348A614, ML18348A615)
- 5) Letter S.P. Murray (GEH) to Director, Office of Nuclear Material Safety and Safeguards, "Updated GEH Morris Operation (MO) Decommissioning Funding Plan", Revision 5, dated 6/17/21 (ML21168A258, ML21168A259, ML21190A130)
- 6) E-mail, K. Banovac (NRC) to S.P. Murray (GEH) "Request for Publicly Available Versions of Previous Morris DFP Submittals", 9/3/21

Dear Sir or Madam:

GE Hitachi Nuclear Energy Americas, LLC (GEH) hereby provides publicly available versions of previously submitted GEH Morris Operation DFPs (References 2, 3, and 4).

The sensitive information in these DFPs has been redacted per NRC's request (Reference 6). Also attached is a GEH affidavit requesting withholding from public disclosure of the previously submitted unredacted versions of the DFPs.

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

Sincerely,

  
Scott P. Murray, Manager  
Facility Licensing

US NRC  
M210114  
9/9/2021

Attachments:

- 1) GEH Affidavit
- 2) GEH MO SNM-2500 Decommissioning Funding Plan, Revision 1, 12/14/12  
(Redacted – public)
- 3) GEH MO SNM-2500 Decommissioning Funding Plan, Revision 2, 12/11/15  
(Redacted – public)
- 4) GEH MO SNM-2500 Decommissioning Funding Plan, Revision 3, 12/14/18  
(Redacted – public)

Cc: K. Banovac, USNRC NMSS/DFM/STLB  
US NRC Region III Administrator  
SPM 21-027

**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, Revisions 1, 2 and 3. 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

