

July 24, 2012

Stefan Anton
SMR LLC
Holtec Center, 1001 U.S. Highway 1 North
Jupiter, FL 33477

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE HOLTEC SMALL MODULAR REACTOR LLC PRESENTATION TO THE U.S. NUCLEAR REGULATORY COMMISSION STAFF AT A CLOSED MEETING BEING HELD AT THE U.S. NUCLEAR REGULATORY COMMISSION HEADQUARTERS

Dear Mr. Anton:

In accordance to your letter dated July 16, 2012 (Document ID: 2108004), Holtec Small Modular Reactor LLC (SMR) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12205A044), in which you requested that the information contained in "ENCLOSURE 3, SMR-160 BRIEFING TO THE USNRC JULY26, 2012." (ADAMS Accession No. ML12205A045) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the information submitted should be considered exempt from mandatory public disclosure, based on to the considerations set forth in 10 CFR § 2.390(b)(4), for the following reasons:

- (a) The information has been held in confidence by Holtec SMR LLC and the all the material for which exemption from disclosure is sought is confidential information.
- (b) Public disclosure of this information would constitute a competitive economic advantage over other companies, which would reduce expenditures of resources or improve competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- (c) The information which reveals aspects of past, present, or future SMR LLC customer-funded development plans and programs of potential commercial value to SMR LLC.
- (d) Some portions of the presented material qualify under a narrow definition of trade secret and a substantial effort was spent by SMR LLC to develop the information.

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

S. Anton

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Therefore, the version(s) of the submitted information 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.

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 U.S. Nuclear Regulatory Commission (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 any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-6402.

Sincerely,

/RA/

Arlon O. Costa, Senior Project Manager
Projects Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

Project No.: 0798

cc: DC Holtec SMR LLC Power Mailing List

S. Anton

-2-

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ADAMS Accession No.: ML12205A057

NRO-002

OFFICE	PM:NRO/DARR/APRB	PM:NRO/DARR/APRB
NAME	ACosta	SMagruder
DATE	07/23/2012	07/24/2012

OFFICIAL RECORD COPY

DC Holtec SMR LLC

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