



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 9, 2021

Mr. Thomas Marcille
Vice President of Reactor Technologies,
Holtec International
Chief Nuclear Officer, SMR, LLC.
Holtec Center, 1001 U.S. Highway 1 North,
Jupiter, Florida 33477 USA

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR HOLTEC SMR, LLC

Dear Mr. Marcille:

By letter to the U.S. Nuclear Regulatory Commission (NRC) titled, "Response to Request for Additional Information 9846," dated August 6, 2021, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21218A132) Holtec SMR, LLC provided an affidavit (ADAMS Accession No. ML21218A135) requesting that the information included within the letter, or as an enclosure to the letter, be withheld from public disclosure (affidavit pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390).

The affidavit states that the submitted information should be considered exempt from disclosure as set forth in the Freedom of Information Act, the Trade Secrets Act and the NRC's regulations because it is proprietary as defined below:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product
- c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers
- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection

The NRC staff reviewed the material in accordance with the requirements of 10 CFR Section 2.390. Based upon the statements in the affidavit, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information marked as proprietary has been or will be withheld from public disclosure pursuant to 10 CFR Section 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 NRC staff. You also should understand that the NRC staff 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 staff 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 via e-mail at Gregory.Cranston@nrc.gov.

Sincerely,

/RA/

Gregory Cranston, Senior Project Manager
New Reactor Licensing Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

Docket No. 99902049

cc:
Ms. Tammy S. Morin
Engineering and Licensing Manager
SMR, LLC
Holtec International

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DATED: AUGUST 9, 2021

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ADAMS Accession No.: ML21218A188

***via email**

NRR-106

OFFICE	NRR/DNRL/NRLB: PM	NRR/DNRL/NRLB: LA	NRR/DNRL/NRLB: PM
NAME	GCranston*	SGreen*	GCranston*
DATE	08/06/2021	08/09/2021	08/09/2021

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