



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

September 27, 2022

Mr. David P. Rhoades
Senior Vice President
Constellation Energy Generation, LLC
President and Chief Nuclear Officer
Constellation Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2021-LLA-0196)

Dear Mr. Rhoades:

By letter dated July 13, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22194A084), you submitted an affidavit dated July 7, 2022, executed by Kent Halac, Senior Engineer, Regulatory Affairs, Global Nuclear Fuels – Americas, LLC which requested that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR).

RS-22-090, "Response to Request for Additional Information Regarding Quad Cities New Fuel Storage Vault and Spent Fuel Storage Pool Criticality Methodologies," dated July 2022.

The letter dated July 13, 2022 also contained an affidavit dated July 1, 2022, executed by Brian R. Moore, General Manager, Core & Fuel Engineering, Global Nuclear Fuel – Americas, LLC, LLC (GNF-A), and an affidavit dated July 6, 2022 from Matthew C. Harris, Segment Manager, NETCO, business segment of Scientech, Curtiss-Wright Corporation, which requested that the information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

NEDC-33932P, "Quad Cities Units 1 and 2 Fuel Storage Criticality Safety Analysis," Revision 2, dated July 2022.

Nonproprietary copies of these documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS.

The affidavit dated July 7, 2022, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (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 GNF-A's competitors without license from GNF-A 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 aspects of past, present, or future GNF-A customer-funded development plans and programs, resulting in potential products to GNF-A;
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The affidavit dated July 1, 2022, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4) 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 GNF-A's competitors without license from GNF-A 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 aspects of past, present, or future GNF-A customer-funded development plans and programs, resulting in potential products to GNF-A;
 - d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a and (4)b.

The affidavit dated July 6, 2022, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

4. The proprietary information provided by NETCO should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) because:
 - a) The information sought to be withheld in the Report (see paragraph 2 above) is and has been held in confidence by NETCO.
 - b) This information is of a type that is customarily held in confidence by NETCO, and there is a rational basis for doing so because the information contains methodology, data and supporting information developed by NETCO that could be used by a competitor as a competitive advantage.
 - c) This information is being transmitted to the NRC in confidence.
 - d) This information sought to be withheld, to the best of my knowledge and belief, is not available in public sources and no public disclosure has been made.
 - e) The information sought to be withheld contains developed, patented, product fabrication data and supporting information that could be used by a competitor as a competitive advantage, and would result in substantial harm to the competitive position of NETCO. This information would reduce the expenditure of resources and improve his competitive position in the implementation of a similar product. Third party agreements have been established to ensure maintenance of the information in confidence. The development of the methodology, data and supporting information was achieved at a significant cost to NETCO. Public disclosure of this information sought to be withheld is likely to cause substantial harm to NETCO's competitive position and reduce the availability of profit-making opportunities.

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.

Therefore, the version 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.

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, we may send copies of this information to our consultants working in this area. We 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. 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 301-415-3733.

Sincerely,

/RA/

Robert F. Kuntz, Senior Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-254 and 50-265

cc: Listserv

SUBJECT: QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID L-2021-LLA-0196) DATED SEPTEMBER 27, 2022

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