

From: [James Downs](#)
To: [Holly, Thomas C](#)
Subject: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE - APPLICATION OF 10 CFR 71.15 (C) (1) FOR WASTE SHIPMENTS
Date: Wednesday, December 21, 2022 10:59:00 AM

Dear Tom Holly,

I am responding to your letter dated September 16, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML22285A147), that requested U.S. Nuclear Regulatory Commission (NRC) review and concurrence on a position paper regarding the application of 10 CFR 71.15(c) (1) for off-site waste shipments. Your letter provided an affidavit requesting the NRC to withhold proprietary information contained in the enclosure from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding." In the affidavit, Nuclear Fuel Services, Inc., requested that the information in the enclosure be considered exempt from mandatory public disclosure for the following reason:

The information contained in the document is owned and has been held in confidence by the licensee, since it contains trade secrets or commercial information as defined in 10 CFR 2.390(a).

We have reviewed your application and submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the version of the submitted information marked as proprietary will be withheld from the public disclosure pursuant to 10 CFR 2.390(b), 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 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 should also 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.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this email will be available for public inspection in the NRC Public Document Room (PDR) or electronically from the publicly available records component of ADAMS. The PDR is currently open Monday-Friday by appointment only. To schedule an appointment, you may submit your request to the PDR via email at PDR.Resource@nrc.gov or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays. The ADAMS database is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact me via e-mail to james.downs@nrc.gov or by phone at 301-415-7744.

Sincerely,

James R. Downs
Senior Project Manager
Fuel Facility Licensing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket: 07000143

License: SNM-124