



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

March 15, 2023

Ms. Jean A. Fleming
Vice President, Licensing, Regulatory
Affairs, & PSA
Holtec Decommissioning International
Krishna P. Singh Technology Campus
1 Holtec Blvd.
Camden, NJ 08104

SUBJECT: PALISADES NUCLEAR PLANT – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE

Dear Jean Fleming:

By letter dated February 1, 2023, to the U.S. Nuclear Regulatory Commission (NRC), Holtec Decommissioning International, LLC (HDI), on behalf of Holtec Palisades, LLC (Holtec Palisades), submitted an affidavit dated February 1, 2023, executed by Jean A. Fleming, Vice President, HDI, requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, "Public inspections, exemptions, requests for withholding:"

Letter – Regulatory Path to Reauthorize Power Operations at the Palisades Nuclear Plant (PNP)

Enclosure 1 – Regulatory Path to Reauthorize Power Operations at the Palisades Nuclear Plant (Proprietary)

The February 1, 2023, letter with the nonproprietary version of Enclosure 1 has been placed in the NRC's Public Document Room and added to the NRC Library at Agencywide Documents Access and Management System (ADAMS) Accession No. [ML23032A399](#).

Ms. Fleming's affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by HDI's competitors without license from HDI constitutes a competitive economic advantage over other companies.
- b. Information which, if used by a competitor, would reduce its expenditure of resources or improve its 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 HDI, its affiliates, customers, or its suppliers.

The information withheld as proprietary in the February 1, 2023, letter and enclosure was subject to a Freedom of Information Act (FOIA) request on February 13, 2023. As a result of the FOIA request, the NRC and HDI worked together to provide an updated version of the nonproprietary version of the letter and enclosure related to the regulatory path to reauthorize power operations at PNP, which released additional information to the public when compared to the original February 1, 2023, submittal. As of March 13, 2023, the updated nonproprietary version of the PNP letter and Enclosure 1 has been placed in the NRC's Public Document Room and added to the NRC Library at ADAMS Accession No. [ML23072A404](#).

We have reviewed your request for withholding proprietary information and the material in both the February 1, 2023, and March 13, 2023, letters in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, have determined that the submitted information sought to be withheld as part of the updated PNP letter and enclosure contains proprietary commercial information and should be withheld from public disclosure.

The remaining information marked as proprietary was determined to be withheld as part of the FOIA determination and 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 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 subsequent FOIA request includes this information. In all review situations, if the NRC decides to make additional information public, you will be notified in advance of any public disclosure.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

J. Fleming

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If you have any questions regarding this matter, I may be reached at 301-415-3178 or via email at Marlayna.Doell@nrc.gov.

Sincerely,



Signed by Doell, Marlayna
on 03/15/23

Marlayna V. Doell, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-255

Renewed License No.: DPR-20

cc w/enclosure: Palisades Listserv

[ML23038A098](#)