



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

September 11, 2023

Mr. Justin R. Hawkins
Director of Licensing
SMR, LLC
Holtec International
1 Holtec Blvd
Camden, NJ 08104

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
SMR, LLC (A HOLTEC INTERNATIONAL COMPANY)

Dear Mr. Hawkins:

By letter dated September 7, 2022, you submitted an affidavit requesting that the information contained in the following documents be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):^{1, 2}

“Enclosure 1 - NRC Meeting: SRP 3.9.4 CRDS Operability QA Program - September 13, 2022”³

“Enclosure 3: HI-2188193, Rev. 1, SMR-160 Control Rod Assembly Design Criteria Document”⁴

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure as set forth in affidavit paragraphs (8) and (9) shown below:

- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed by Holtec International. A substantial effort has been expended by Holtec International to develop this information. Release of this

¹ Letter from J. Hawkins to NRC, “SMR, LLC Preapplication Meeting Materials for September 13, 2022 (Project No. 99902049),” dated September 7, 2022. (Agency Documents Accession Management System (ADAMS) Accession No. ML22256A020, part of ML22256A019)

² Letter from J. Hawkins to NRC, “Enclosure 4: SMR, LLC - Affidavit,” dated September 7, 2022. (ML22256A024, part of ML22256A019)

³ Letter from J. Hawkins to NRC, “Enclosure 1 - NRC Meeting: SRP 3.9.4 CRDS Operability QA Program - September 13, 2022,” dated September 7, 2022. (ML22256A021, part of ML22256A019)

⁴ Letter from J. Hawkins to NRC, “Enclosure 3: HI-2188193, Rev. 1, SMR-160 Control Rod Assembly Design Criteria Document,” dated September 7, 2022. (ML22256A023, part of ML22256A019)

information would improve a competitor's position because it would enable Holtec's competitor to copy our technology and offer it for sale in competition with our company, causing us financial injury.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without there having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

We have reviewed 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 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.

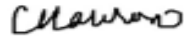
Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the 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 301-415-2736.

Sincerely,



Signed by Lauron, Carolyn
on 09/11/23

Carolyn L. Lauron, Senior Project Manager
Licensing and Regulatory Infrastructure Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

Docket No: 99902049

cc: Holtec Listserv

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DATED: SEPTEMBER 11, 2023

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NRR-106

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