

October 29, 2014

Ms. Kimberly Manzione  
Acting Licensing Manager  
Holtec International  
Holtec Center  
One Holtec Drive  
Marlton, NJ 08053

SUBJECT: HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION  
FROM PUBLIC DISCLOSURE (TAC NO. L24954)

Dear Ms. Manzione:

By letter dated October 2, 2014, Entergy Operations, Inc. submitted an exemption request from regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72. In support of its exemption request, Entergy Operations, Inc. provided Holtec Report No. HI-2146265, "Justification for ANO Exemption Request for Loading of Damaged Fuel." An affidavit, executed by you, requested that information contained in Holtec Report No. HI-2146265 be withheld from public disclosure pursuant to 10 CFR Part 2 Section 2.390.

The affidavit stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure is information which is part of Holtec International's comprehensive spent fuel storage technology base. This information is owned and has been held in confidence by Holtec International.
- (2) The information is of a type customarily held in confidence by Holtec International and not customarily disclosed to the public. Holtec International has a rational basis for determining the types of information customarily held in confidence by it.
- (3) Public disclosure of the information is likely to cause substantial harm to the competitive position of Holtec International because the information consists of descriptions of analytical approaches and methodologies, the application of which provide a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Holtec International, take marketing or other actions to improve their product's position or impair the position of Holtec International's product, and avoid developing similar data.

We have reviewed your application and the material 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 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 U.S. Nuclear Regulatory Commission (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 301-287-9225.

Sincerely,

**/RA/**

Chris Allen, Project Manager  
Spent Fuel Licensing Branch  
Division of Spent Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 50-313, 50-368, 72-13, and 72-1014

TAC No. L24954

cc: S. Pyle, Entergy Operations, Inc.

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cc: S. Pyle, Entergy Operations, Inc.

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