



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

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**BY OVERNIGHT MAIL**

October 6, 2000

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: USNRC Docket No. 72-1014  
HI-STORM 100 Certificate of Compliance 1014  
HI-STORM License Amendment Request 1014-1, Revision 1, Supplement 1

- References:
1. Holtec Project 5014
  2. Holtec Letter, B. Gutherman, to NRC Public Document Room, dated August 31, 2000
  3. Holtec Letter, B. Gutherman, to NRC Public Document Room, dated September 27, 2000

Dear Sir:

In accordance with our commitments documented in our September 27, 2000 letter (Ref. 3), we are providing with this submittal Supplement 1 to License Amendment Request (LAR) 1014-1, Revision 1 (Ref. 2). Recognizing the HI-STORM 100 Final Safety Analysis Report (FSAR) as the current licensing basis has required us to make the necessary editorial modifications (from TSAR to FSAR) to our proposed SAR changes and other cross-reference documents included in the LAR package. The bulk of the LAR package has necessarily increased by providing, where changes were proposed, full FSAR sections. We have also taken this opportunity to add one more proposed change (Change No. 2A) that was identified by one of our customers and have included a *Table of Contents* and *List of Effective Pages* for the proposed FSAR changes to ensure absolute QA control over the content of the proposed FSAR changes as the NRC review progresses. Finally, three Bills-of-Material and one drawing are provided to replace the versions in the LAR package submitted on August 31, 2000. In summary, this supplement includes the following attachments:

1. A complete replacement of the LAR 1014-1 Change Summary Document.
2. A complete replacement of the mark-up proposed CoC changes.
3. A complete replacement of the final proposed CoC changes.
4. Three replacement Bills-of-Material (BM-1477, Sheets 1 and 2, and BM-3066) and one replacement drawing (2890, Rev. 1). (The remaining Bills-of-Material and drawings from LAR 1014-1, Revision 1 remain valid).

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5. Complete replacement sections for all proposed HI-STORM 100 FSAR changes plus an FSAR Table of Contents and List of Effective Pages.

This submittal contains information in the proposed FSAR text and on drawings that is commercially sensitive to Holtec International and is treated by us with strict confidentiality. This information is of the type described in 10 CFR 2.790(b)(4) and is, therefore, considered proprietary to Holtec. The affidavit provided as Attachment 6 herein sets forth the bases for which the information is required to be withheld from public disclosure, consistent with these considerations and pursuant to the provisions of 10 CFR 2.790(b)(1). The affidavit also includes a date by which Holtec will have protected its commercial interests with regard to this information and it may be released to the public. It is therefore requested that the information annotated as proprietary be withheld from public disclosure in accordance with applicable NRC regulations until the date of release stated in the affidavit.

If you have any questions or require additional information, please contact me at (856) 797-0900, extension 668.

Sincerely,

Brian Gutherman, P.E.  
Licensing Manager

Approval:

K.P. Singh, Ph.D, P.E.  
President and CEO

cc: Mr. Christopher Jackson, USNRC (w/10 copies of attachments.)

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Attachments: As Stated



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**Technical Concurrence:**

Dr. Alan Soler (Structural Evaluation)

Dr. Indresh Rampall (Thermal Evaluation)

Dr. Everett Redmond II (Shielding Evaluation)

Dr. Stefan Anton (Criticality Evaluation)

Mr. Kris Cummings (Confinement Evaluation)

Mr. Stephen Agace (Operations)

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New York Power Authority (HUG Chairman)

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Southern Nuclear Operating Company

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I, Brian Gutherman, being duly sworn, depose and state as follows:

- (1) I am Licensing Manager of Holtec International and have reviewed the information described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding.
- (2) The information sought to be withheld is the following Holtec International information contained in Holtec's License Amendment Request 1014-1, Revision 1, including Supplement 1 :

Drawings and Bills-of-Material:

Drawings 2889, 2891, and 2892, Revision 0  
Drawing 2890, Revision 1  
Drawings 3067 through 3075, Revision 0  
Drawing 3187, Revision 1.  
BM-3065 and 3066, Revision 0  
BM-3189, Revision 2

Proposed FSAR, Revision 1 Text and Tables (shown in shaded text)

Portions of Subsection 1.1.  
Portions of Subsection 1.2.1.2.1.  
Portions of Subsection 1.2.2.2.  
Table 1.2.7.  
Portions of Subsection 2.0.4.  
Tables 2.0.4 and 2.0.5.  
Portions of Subsection 2.2.3.2.  
Portions of Subsection 2.2.3.7.  
Subsection 2.2.3.15.  
Portions of Table 2.2.7.  
Appendix 2.A.  
Portions of Section 3.0.

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Portions of Subsection 3.1.2.1.1.1.  
Portions of Subsection 3.1.2.1.1.5.  
Portions of Subsection 3.1.2.1.1.6.  
Portions of Subsection 3.1.2.4.  
Portions of Subsection 3.3.1.3.  
Subsection 3.4.7.3.  
Portions of Subsection 3.4.8.  
Table 3.4.10.  
Portions of Appendix 4.A (including equations within shaded text).  
Portions of Subsection 8.1.1.  
Portions of Subsection 8.1.7.  
Portions of Table 8.1.5.  
Portions of Table 8.1.8.

**FSAR, Proposed Revision 1 Figures**

Figures 1.1.4 and 1.1.5.  
Figures 3.4.30 through 3.4.47.  
Figures 4.A.1 through 4.A.3.

**CoC Material**

Proposed Changes to CoC Appendix A, Technical Specification Section 5.5.  
Proposed Changes to CoC Appendix B, Design Features Sections 3.4.3 and 3.4.6.

This information is considered proprietary to Holtec International.

- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial or

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financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).

- (4) Some examples of categories of information which 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 Holtec's competitors without license from Holtec International 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 cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
  - d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
  - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, 4.b, 4.d, and 4.e, above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.

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- (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. Release of this information would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.
- (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.

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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 their 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.

- (10) Holtec International requires this information to remain proprietary until such time as our commercial interests are protected through the filing of a request for patent with the United States Patent Office. This preparation of this filing is under way as of the date of this affidavit and is expected to be complete within 90 days. Therefore, the information described in this affidavit will not longer be considered Holtec proprietary and may be disclosed to the public on, or after December 18, 2000.

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Attachment 6

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STATE OF NEW JERSEY     )  
  )     ss:  
COUNTY OF BURLINGTON )

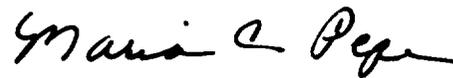
Brian Gutherman, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 6th day of October, 2000.

  
Brian Gutherman  
Holtec International

Subscribed and sworn before me this 6<sup>th</sup> day of October, 2000.

  
MARIA C. PEPE  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 25, 2005