



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

January 12, 2001

Mr. Brian Gutherman
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Gutherman:

As a result of the Nuclear Regulatory Commission's (NRC's) October 30, 2000, acceptance review letter, on November 20, 2000, Holtec International (Holtec) submitted information to support its application for an amendment to the certificate of compliance for the Holtec HI-STORM 100 System. Enclosed with the November 20, 2000, submittal were 12 proprietary Holtec documents entitled:

- Holtec Report No. HI-2002407, Thermal-Hydraulic Calculations for the HI-STAR/HI-STORM Amendments, Revision 1, September 2000.
- Holtec Report No. HI-981892, HI-STORM System Thermal Evaluation, Revision 3, August 1999.
- Holtec Report No. HI-2002481, Calculation Package Supporting HI-STORM FSAR Revisions, Revision 0, August 2000.
- Holtec Report No. HI-2002465, Calculation Package for High Seismic Support of HI-STORM 100A, Revision 1, November 2000.
- Holtec Report No. HI-981928, Structural Calculation Package for HI-STORM 100, Revision 5, April 2000.
- Holtec Report No. HI-951321, Criticality Evaluation HI-STAR 100 Cask Designs, Revision 12, October 2000.
- Holtec Report No. HI-971620, Criticality Analyses of the HI-STORM 100 System, Revision 4, October 2000.
- Holtec Report No. HI-951322, HI-STAR 100 Shielding Design and Analysis for Transport and Storage, Revision 12, October 2000.

- Holtec Report No. HI-971608, HI-STORM Shielding Design and Analysis for Storage, Revision 11, November 7, 2000.
- Holtec Report No. HI-992258, HI-STORM Confinement Analysis, Revision 2, September 2000.
- Sample input files for the shielding analyses performed for the HI-STORM IOOS and the 100-ton HI-TRAC transfer cask loaded with design basis fuel and control components (non-fuel hardware).
- Holtec Report No. HI-992252, Topical Report on the HI-STAR/HI-STORM Thermal Model and its Benchmarking with Full-Size Cask Test Data, Revision 1, October 2000.

Holtec also submitted an affidavit signed by Brian Gutherman dated November 20, 2000. In the affidavit, Mr. Gutherman states that the above documents should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- The information 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;
- The information, 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;
- The information reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- The information discloses patentable subject matter for which it may be desirable to obtain patent protection; and
- The information 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.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. Withholding from public disclosure 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld 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.

Sincerely,
/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No: 72-1014

B. Gutherman

-3-

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

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Sincerely,
(Original Signed by:)

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No: 72-1014

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