

Private Fuel Storage, L.L.C.

P.O. Box C4010, La Crosse, WI 54602-4010

Phone 303-741-7009 Fax: 303-741-7806

John L. Donnell, P.E., Project Director

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

August 27, 1999

**PFSF SITE SPECIFIC CASK STABILITY ANALYSIS
FOR THE HI-STORM STORAGE CASKS
DOCKET NO. 72-22 / TAC NO. L22462
PRIVATE FUEL STORAGE FACILITY
PRIVATE FUEL STORAGE L.L.C.**

Reference: PFS letter, Donnell to U.S. NRC, Revision of Submittal Schedule, dated August 20, 1999

The purpose of this letter is to submit the PFSF site specific cask stability analysis for the HI-STORM storage casks (enclosed), discussed in the referenced letter. This analysis was performed by Holtec International, the vendor for the HI-STORM storage cask system. The analysis is based on PFSF design basis ground motions determined by the probabilistic seismic hazard analysis with the 2,000 year recurrence interval. The results of this analysis will be reflected in the upcoming amendment to the PFSF Safety Analysis Report, scheduled for submittal on August 27, 1999.

The enclosed report contains information that is proprietary to Holtec International, which PFS requests that the NRC withhold from public disclosure pursuant to 10 CFR § 2.790. The enclosed Affidavit provides Holtec International's reasons for requesting that the NRC treat the enclosed report as proprietary in accordance with 10 CFR § 2.790.

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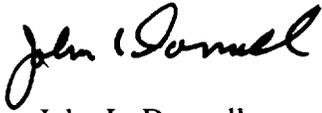
U.S. NRC

2

August 27, 1999

If you have any questions regarding this response, please contact me at 303-741-7009.

Sincerely

A handwritten signature in black ink that reads "John L. Donnell". The signature is written in a cursive style with a large initial "J".

John L. Donnell
Project Director
Private Fuel Storage L.L.C.

Enclosures

U.S. NRC

3

August 27, 1999

copy to, with enclosure:

Mark Delligatti

John Parkyn

Jay Silberg

Sherwin Turk

Asadul Chowdhury

Scott Northard

AFFIDAVIT PURSUANT TO 10CFR2.790

I, Alan Soler, being duly sworn, depose and state as follows:

- (1) I am the Executive Vice President of Engineering for Holtec International and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the documents entitled "Multi-Cask Response at the PFS ISFSI from 2000 Year Seismic Event", HI-992277, Project 70651.
- (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 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;

AFFIDAVIT PURSUANT TO 10CFR2.790

- 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.

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

AFFIDAVIT PURSUANT TO 10CFR2.790

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.
- (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 historical data and analytical results 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 using codes developed 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.

AFFIDAVIT PURSUANT TO 10CFR2.790

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 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.

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

Alan Soler, 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 25th day of August 1999.



Alan Soler
Holtec International

Subscribed and sworn before me this 25th day of August, 1999.


MARIA C. PEPE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 25, 2000