

April 6, 2001

Dr. K.P. Singh, President  
Holtec International  
555 Lincoln Drive West  
Marlton, NJ 08054

SUBJECT: PUBLIC DISCLOSURE DETERMINATION REGARDING PART 21  
NOTIFICATION FOR NS-4-FR NEUTRON SHIELDING MATERIAL

Dear Dr. Singh:

By letter dated May 26, 2000, Holtec International (Holtec) submitted a 10 CFR Part 21 report regarding defects discovered with samples of NS-4-FR neutron shielding material. Enclosed with this letter was Holtec Report HI-2002396, "Holtite-A: Developmental History and Thermal Performance Data," Revision 0. Holtec also provided a non-proprietary version of the report by letter dated June 9, 2000. An electronic copy of the non-proprietary version can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML003722856.

With the letter dated May 26, 2000, Holtec submitted an affidavit signed by Brian Gutherman. In the affidavit, Mr. Gutherman stated that the information in the report should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- (a) 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;
- (b) The information which, if used by a competitor, would reduce its expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- (c) The information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International; and
- (d) The information, which discloses patentable subject matter, may be desirable to obtain patent protection.

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.

If you have any comments or questions about this matter, please contact Mr. Wayne Hodges of my staff at (301) 415-2398.

Sincerely,

/s/ /RA/

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

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Office of Nuclear Material Safety  
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