

April 11, 2002

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Gutherman:

On November 26, 2001, the licensee for the James A. FitzPatrick Nuclear Power Plant provided 10 CFR 72.48 Evaluation Number JAF-ISFSI-01-001, Rev. 0, in response to a prior U.S. Nuclear Regulatory Commission (NRC or Commission) request. This 10 CFR 72.48 evaluation involved modifications to the Holtec International HI-STORM 100 System. The following Holtec International documents were referenced in the evaluation:

- Holtec International Engineering Change Order (ECO) No. 1024-4, Revision 1, May 26, 2001.
- Holtec International Engineering Change Order (ECO) No. 1024-20, Revision 1, June 25, 2001.
- Holtec International Engineering Change Order (ECO) No. 1024-21, Revision 1, September 10, 2001.
- Holtec International Drawing No. 3443, Sheets 1 through 7, 9, and 10, Revision 1.
- Holtec International Drawing No. 3443, Sheet 8, Revision 0.
- Holtec International Drawing No. 2602, Sheet 2, Revision 4.
- Holtec International Drawing No. 2602, Sheet 2, Revision 4.
- Holtec International Report No. HI-2012702, HI-STORM 100 System Additional Shielding Calculations, Revision 4.
- Holtec International Report No. HI-2002481, Calculation Package Supporting HI-STORM FSAR Revisions, Revision 2.
- Holtec International Report No. HI-2002407, Thermal-Hydraulic Calculations for the HI-STAR/HI-STORM Amendments, Revision 3.
- Holtec International Report No. HI-992272, Calculation Package Supporting HI-STORM FSAR Revisions, Revision 2.

- Holtec International Document ID 80518044, Letter to Entergy Nuclear Northeast, Questions on JAF Overpack Mods, September 7, 2001.
- Holtec International Document ID 80518048, Calculations Contained in Holtec LAR 1014-1.
- Holtec International Supplier Manufacturing Deviation Report (SMDR), No. 500, Revision 5.
- Holtec International Supplier Manufacturing Deviation Report (SMDR), No. 516, Revision 6.
- Holtec International Supplier Manufacturing Deviation Report (SMDR), No. 594, Revision 0.
- Holtec International Supplier Manufacturing Deviation Report (SMDR), No. 619, Revision 0.

In a letter dated February 21, 2002, the Citizens Awareness Network and the New York Public Interest Research Group petitioned the NRC pursuant to 10 CFR 2.206 to put documents filed in relation to the selection of storage casks at FitzPatrick on the public docket. The NRC informed Holtec International of its right to request a proprietary determination for the above documents; otherwise, they would be made available to the public.

In response, Holtec International submitted an affidavit signed by you dated March 22, 2002. In the affidavit, you stated 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 International's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- The information, if used by a competitor, would reduce its expenditure of resources or improve its 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 the organization and 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 you requested to be 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, 72-12

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E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
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Docket No: 72-1014, 72-12

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