

September 14, 2006

Dr. Stefan Anton
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: NRC REJECTION OF HOLTEC INTERNATIONAL'S REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR HOLTEC REPORTS HI-2043317 REVISION 3 AND HI-2043168 REVISION 2 (TAC NO. L23850)

Dear Dr. Anton:

By your letter and affidavit dated May 18, 2006, (Document ID 5014598), Holtec International (Holtec) submitted Holtec Report HI-2043317, Revision 3, "License Amendment Request (LAR) 1014-3 HI-STORM Thermal-Hydraulic Analyses" and Holtec Report HI-2043168, Revision 2, "Thermal-Hydraulic Evaluation of HI-STORM 100U" to the United States Nuclear Regulatory Commission (NRC) in accordance with 10 CFR Part 72 in support of an application to amend Certificate of Compliance (CoC) No. 1014 for the HI-STORM 100 Cask System (LAR 1014-3, Revision 0). The affidavit requested that Holtec Reports HI-2043317 and HI-2043168, which are contained in Attachments 1 and 2 of Holtec letter No. 5014598 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

Your affidavit requests that the enclosures be withheld from public disclosure pursuant to 10 CFR 2.390 for the following reasons:

- (1) 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; and,
- (2) 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.

We have reviewed your application and all of the supporting information and have concluded that you have not marked the attachments to the May 18, 2006 letter, claimed as proprietary, in accordance with the requirements of 10 CFR 2.390(b)(1)(I). Specifically, the information requested to be withheld from public disclosure, contained in Appendices B and D of Holtec Report HI-2043168 and Appendices A, F, and H of Holtec Report HI-2043317, is not marked as Proprietary Information or otherwise annotated as privileged information. It should also be noted that the information contained on Page F-8 of Holtec Report HI-2043317 is publically available and therefore cannot be claimed as proprietary by Holtec.

S. Anton

- 2 -

Accordingly, we have concluded that the information sought to be withheld from public disclosure, noted above, does not meet the requirements of 10 CFR 2.390.

Thirty days from the date of this letter, the subject attachments will be placed in the Nuclear Regulatory Commission's Agencywide Documents Access and Management System (ADAMS) unless you respond by then to this letter. If within 30 days of the date of this letter, you request withdrawal of the documents in accordance with 10 CFR 2.390(c) and resubmit them in accordance with regulatory requirements (including appropriate markings), your request will be reviewed and a determination made whether the documents will be released to the public, withheld from public disclosure, or returned to you.

Sincerely,

/RA/

Christopher M. Regan, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1014
TAC No. L23850

S. Anton

- 2 -

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Christopher M. Regan, Senior Project Manager
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Docket No. 72-1014
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