

September 21, 2006

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

SUBJECT: PROPRIETARY MARKINGS IN FINAL SAFETY ANALYSIS REPORT (TAC NO. L23850)

Dear Dr. Anton:

By your letter dated April 10, 2006, (Document ID 5014593), in accordance with the requirements of 10 CFR 72.248(c)(6), Holtec International (Holtec) submitted an update to the Final Safety Analysis Report (FSAR) for the HI-STORM 100 Dry Spent Fuel Storage System, consisting of Revision 3 and Revision 4 of the FSAR. FSAR Revision 3 and Revision 4 were contained in an Enclosure to the letter.

The staff identified in Revision 3 and 4 of the FSAR several pages containing annotations indicating the material was proprietary in nature. For example, Revision 4 to the FSAR, figures 3.4.30 through 3.4.47, contain the annotation "Holtec Proprietary Information." The Holtec letter, dated April 10, 2006, did not contain an affidavit requesting that the information marked as proprietary, be withheld from public disclosure, nor provide any justification, in accordance with 10 CFR 2.390, why the information was proprietary in nature.

Accordingly, we have concluded that the information submitted and marked as proprietary does not meet the requirements of 10 CFR 2.390. Thirty days from the date of this letter, the subject Enclosure (Revision 3 and Revision 4 to the HI-STORM 100 Dry Spent Fuel Storage System FSAR) 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 (removal of the proprietary annotations or submittal of an affidavit requesting withholding of the information marked as proprietary), 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.

If you have any questions regarding this matter, I may be reached at 301-415-1179.

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

September 21, 2006

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

SUBJECT: PROPRIETARY MARKINGS IN FINAL SAFETY ANALYSIS REPORT (TAC NO. L23850)

Dear Dr. Anton:

By your letter dated April 10, 2006, (Document ID 5014593), in accordance with the requirements of 10 CFR 72.248(c)(6), Holtec International (Holtec) submitted an update to the Final Safety Analysis Report (FSAR) for the HI-STORM 100 Dry Spent Fuel Storage System, consisting of Revision 3 and Revision 4 of the FSAR. FSAR Revision 3 and Revision 4 were contained in an Enclosure to the letter.

The staff identified in Revision 3 and 4 of the FSAR several pages containing annotations indicating the material was proprietary in nature. For example, Revision 4 to the FSAR, figures 3.4.30 through 3.4.47, contain the annotation "Holtec Proprietary Information." The Holtec letter, dated April 10, 2006, did not contain an affidavit requesting that the information marked as proprietary, be withheld from public disclosure, nor provide any justification, in accordance with 10 CFR 2.390, why the information was proprietary in nature.

Accordingly, we have concluded that the information submitted and marked as proprietary does not meet the requirements of 10 CFR 2.390. Thirty days from the date of this letter, the subject Enclosure (Revision 3 and Revision 4 to the HI-STORM 100 Dry Spent Fuel Storage System FSAR) 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 (removal of the proprietary annotations or submittal of an affidavit requesting withholding of the information marked as proprietary), 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.

If you have any questions regarding this matter, I may be reached at 301-415-1179.

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

Distribution:

NRC File Center SFPO R/F BWhite NJensen [OGC]
ML062770475

OFC	SFPO		SFPO		SFPO		
NAME	CRegan		EZiegler		RNelson		
DATE	09 /21 /06		09 / 21/06		09/21/06		

C = COVER

E = COVER & ENCLOSURE
OFFICIAL RECORD COPY

N = NO COPY