February 7, 2007

Mr. Evan Rosenbaum
Project Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: NRC APPROVAL OF HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC 23850)

Dear Mr. Rosenbaum:

By letter dated January 31, 2007, (Holtec Letter 5014614) Holtec International submitted an affidavit dated January 31, 2007, executed by yourself. In that letter you requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

1) Attachment 4: "LAR 1014-3 HI-STORM Thermal-Hydraulic Analyses" Holtec Report HI-2043317, Revision 5, and
2) Attachment 5: "Thermal Data Files."

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure 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;

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 the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Attachments 4 and 5 (in their entirety) to Holtec letter Document ID 5014614, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand 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 information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified of the date of public disclosure, in advance which will be a reasonable time thereafter.

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

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