

December 14, 2007

Tammy Morin  
Acting Licensing Manager  
Holtec International  
Holtec Center  
555 Lincoln Drive West  
Marlton, NJ 08053

SUBJECT: NRC DETERMINATION OF HOLTEC INTERNATIONAL'S REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO.  
L24029)

Dear Ms. Morin:

By letter dated August 3, 2007 (Document ID 5014631), Holtec International (Holtec) submitted a response to the Nuclear Regulatory Commission (NRC) staff's request for additional information (RAI) dated June 15, 2007, in support of an application to amend Certificate of Compliance (CoC) No. 9261 for the Model No. HI-STAR 100 HB transportation package. Your August 3, 2007, letter included a Holtec affidavit, signed by Luis Hinojosa, dated August 3, 2007 (Attachment 8). The Holtec affidavit requested that the material, which is contained in Attachments 4, 5, 6, and 7 and Enclosures 1 and 2 of Holtec letter No. 5014631 be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390.

Attachment 4 contained Holtec Report HI-961590, Rev. 1, "HI-STAR Quarter Scale Test Model." Attachment 5 contained Holtec Report HI-981891, Rev. 2, "Impact Limiter Drop Test Report – 2<sup>nd</sup> Series." Attachment 6 contained Holtec Report HI-2063486, Rev. 2, "Calculation Package of Humboldt Bay HI-STAR Impact Limiters." Attachment 7 contained Holtec Report HI-2043215, Rev. 2, "Sourcebook for Metamic Performance Assessment." Enclosures 1 and 2 contained input and output data files for the HI-STAR 100 and HI-STAR 100 HB on CD.

Your affidavit requests that the Attachments and 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 the supporting information in accordance with the requirements of 10 CFR 2.390. With respect to the information contained in Attachments 4 and 5 to Holtec letter 5014631, we have concluded that you have not marked the information,

claimed as proprietary, in accordance with the requirements of 10 CFR 2.390(b)(1)(i). Specifically, the information is not marked as Proprietary Information or otherwise annotated as privileged information.

With respect to the information contained in Attachment 6 to Holtec letter 5014631, we have concluded that you have not marked the information, 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 in Attachment 6, contained in pages 69, 70, and 72 and Appendices A and C of Holtec Report HI-2063486, Rev. 2, is not marked as Proprietary Information or otherwise annotated as privileged information.

With respect to the information contained in Attachment 7 to Holtec letter 5014631, we have concluded that you have not marked the information, 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 in Attachment 7, contained in all Appendices of Holtec Report HI-2043215, Rev. 2 is not marked as Proprietary Information or otherwise annotated as privileged information. Additionally, 2 Appendices are labeled A, and Attachment 1 to this report is not legible such that a determination can be made.

Accordingly, staff has concluded that the information sought to be withheld from public disclosure in Attachments 4, 5, 6, and 7 to Holtec letter No. 5014631, noted above, does not meet the requirements of 10 CFR 2.390.

Thirty days from the date of this letter, the subject Attachments (4, 5, 6, and 7) 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 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.

With respect to the information contained in Enclosures 1 and 2 to Holtec letter No. 5014631, we have reviewed 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, Enclosures 1 and 2 "Structural Data Files," to Holtec letter No. 5014631, 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 the information in Enclosures 1 and 2 to Holtec letter No. 5014631 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.

T. Morin

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If you have any questions regarding this matter, you may contact me at (301) 492-3339.

Sincerely,

**/RA/**

Kimberly J. Hardin, Senior Project Manager  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 71-9261  
TAC No. L24029

T. Morin

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If you have any questions regarding this matter, you may contact me at (301) 492-3339.

Sincerely,

**/RA/**

Kimberly J. Hardin, Senior Project Manager  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 71-9261

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