March 13, 2009

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

SUBJECT: NRC APPROVAL OF HOLTEC INTERNATIONAL'S REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR MODEL NUMBER HI-STAR 100 HUMBOLDT BAY (HB) REVISION REQUEST (TAC NO. L24029)

Dear Ms. Morin:

By letter dated June 29, 2007 (Document ID 1553015), Holtec International (Holtec) submitted supplemental reports to the Nuclear Regulatory Commission (NRC) staff in support of an application to amend Certificate of Compliance (CoC) No. 9261 for the Model No. HI-STAR 100 HB transportation package dated October 5, 2006. Your June 29, 2007, letter included a Holtec affidavit, signed by Luis Hinojsa, dated June 29, 2007 (Attachment 4). The Holtec affidavit requested that the material, which is contained in Attachments 1, 2, and 3 of Holtec letter No. 1553015 be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390.

Attachment 1 contained Holtec Report HI-971774, Rev. 1, "Impact Limiter Drop Test Report."

Attachment 2 contained Holtec Report HI-971823, Rev. 0, "Improved Correlation of 30' Drop Testing at ORNL – August, 1997 Tests."

Attachment 3 contained Holtec Report HI-981891, Rev. 2, "Impact Limiter Drop Test Report – Second Series."

Your affidavit requests that the Attachment 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 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial and should be withheld from public disclosure.

Therefore, Attachments 1, 2, and 3 of Holtec letter dated June 29, 2007, 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, 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

Therefore, Attachments 1, 2, and 3 of Holtec letter dated June 29, 2007, 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.

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Kimberly J. Hardin, Senior Project Manager
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Docket No. 71-9261
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