



Entergy Operations, Inc.
1448 S.R. 333
Russellville, AR 72802
Tel 479-858-4710

David B. Bice
Acting Manager, Licensing
Arkansas Nuclear One

O CAN090902

September 29, 2009

Attn: Document Control Desk
Director, Spent Fuel Project Office
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: HI-STORM-100 Cask System Supplemental
Cooling System (SCS) Validation Test
Arkansas Nuclear One – Units 1 and 2
Docket Nos. 50-313, 50-368, and 72-13
License Nos. DPR-51 and NPF-6

Dear Sir or Madam:

Section 9, Special Requirements for First Systems in Place, of the Holtec HI-STORM 100 System Certificate of Compliance (CoC) requires a report of the Supplemental Cooling System (SCS) validation test and analysis for each first time user of a HI-STORM 100 Cask System SCS that uses components or a system that is not essentially identical to components or a system that has been previously tested. The SCS was tested at Arkansas Nuclear One (ANO) on August 5, 2005, prior to the loading of Holtec Cask 15 which had a measured decay heat load of 19.992 kW.

Cask Data:

Cask Certificate Number:	1014
Cask Model Number:	HI-STORM 100
Cask Identification Number:	Holtec Cask 15
Date of Test:	August 5, 2005
Cask Heat Load:	19.992 kW

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The results of the SCS testing are contained in Attachment 1, Holtec Report, HI-2094415, *Validation of First Use of Supplemental Cooling System at Arkansas Nuclear One*. These results show that the peak fuel cladding temperature is 437°F which is less than the allowable clad temperature as stated in Paragraph 3.7.2.5 of Appendix B of the CoC which states that the SCS must ensure that the peak cladding temperature is below 400°C (752°F).

The information contained in the Attachment 1 is considered proprietary to Holtec International (Holtec) in its entirety, and therefore, a nonproprietary version is not being provided. Holtec requests that the proprietary information be withheld from public disclosure in accordance with 10 CFR 2.390. Holtec has provided Entergy with authorization to provide the proprietary information. An affidavit by the information owner, Holtec, supporting the request for non-disclosure is provided in Attachment 2 as part of Holtec Letter 1904001. Therefore, Entergy requests that Attachment 1 of this submittal be withheld from public disclosure in accordance with 10 CFR 2.390.

There are no new commitments contained in this submittal.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

DBB/SLP

Attachments:

1. Holtec Report HI-2094415, *Validation of First Use of Supplemental Cooling System at Arkansas Nuclear One*
2. Holtec Affidavit

cc: Mr. Elmo E. Collins
Regional Administrator
U. S. Nuclear Regulatory Commission
Region IV
612 Lamar Blvd., Suite 400
Arlington, TX 76011-4125

NRC Senior Resident Inspector
Arkansas Nuclear One
P.O. Box 310
London, AR 72847

U. S. Nuclear Regulatory Commission
Attn: Mr. Ray Kellar
Region IV
612 E. Lamar Blvd., Suite 400
Arlington, TX 76011-4125

U.S. Nuclear Regulatory Commission
Attn: Mr. Kaly Kalyanam
MS O-7 D1
Washington, DC 20555-0001

Attachment 2

OCAN090902

Holtec Affidavit



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

September 29, 2009

Mr. Sid Darby
Senior Project Manager
ANO
1448 SR 333
Russellville, AR 72801
Document ID: 1904001

Subject: Submittal of Holtec Report HI-2094415 to NRC

Dear Mr. Darby:

Holtec is pleased to approve the release of the following proprietary information to the NRC:

Attachment 1: Holtec Report HI-2094415 Revision 0

We require that you include this letter along with the attached affidavit pursuant to 10CFR2.390 with your submittal.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Tammy Morin
Licensing Manager
Holtec International

Enclosures: One (1) Affidavit Pursuant to 10CFR2.390

cc: Stephenie Pyle, ANO
Frayne Ronkowski, Holtec

AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, Tammy S. Morin, being duly sworn, depose and state as follows:

- (1) I have reviewed the information described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding.
- (2) The information sought to be withheld is Holtec reports and Holtec input and output data files contained in Attachments 1 to Holtec letter Document ID 1904001, containing Holtec Proprietary information.
- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.390(a)(4), and 2.390(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).

AFFIDAVIT PURSUANT TO 10 CFR 2.390

- (4) Some examples of categories of information which fit into the definition of proprietary information are:
- a. 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;
 - b. 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.
 - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
 - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a and 4.b, above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have

AFFIDAVIT PURSUANT TO 10 CFR 2.390

been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.

- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed by Holtec International. A substantial effort has been expended by Holtec International to develop this information. Release of this information would improve a competitor's position because it would enable Holtec's competitor to copy our technology and offer it for sale in competition with our company, causing us financial injury.

AFFIDAVIT PURSUANT TO 10 CFR 2.390

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

