January 20, 2010

Ms. Tammy S. Morin, Manager
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: HOLTEC INTERNATIONAL (HOLTEC), REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. L24321)

Dear Ms. Morin:

By letter dated December 18, 2009, Holtec submitted an affidavit dated December 10, 2009, executed by you, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

> Attachment 1 to Holtec letter Document ID 5018007, Chapter 3 (Supplement A to Revision 0) of Proposed SAR [Safety Analysis Report] (Holtec Report No. HI-2084239 (Proprietary))
>
> Attachment 2 to Holtec letter Document ID 5018007, Holtec Dry Storage Position Paper DC-307, Revision 2, "Construction of True-Stress-True-Strain Curve for LS-DYNA Simulations" (Proprietary)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

(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 a similar product.

(c) Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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, the submitted information 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 need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-492-3325.

Sincerely,

/RA/

John M. Goshen, P. E., Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1032

TAC No.: L24321

Therefore, the submitted information 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 need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-492-3325.

Sincerely,

/RA/

John M. Goshen, P. E., Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1032

TAC No.: L24321

DISTRIBUTION: SFST R/F

File Name/Location:G:\SFST\HI-STORM FW\RSI response\ Holtec HS FW 12 18 09 Proprietary evaluation.doc
ADAMS: ML100200541

OFFICE	SFST	SFST	SFST
NAME	WWheatley	JGoshen	EBenner
DATE	1/20/2010	1/20/2010	1/20/2010

OFFICIAL RECORD COPY