



June 29, 2012

Mr. Douglas Weaver
Deputy Director, Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety and Safeguards
Mail Code EBB-E3-D2M
Executive Boulevard Building
6003 Executive Boulevard
Rockville, MD 20852

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

Subject: Submittal of Certification Request for the HI-STORM UMAX Storage System
Under 10CFR72, Subpart L

Reference: USNRC Docket 72-1040
USNRC TAC No. 24626

Dear Mr. Weaver:

We are pleased to submit Holtec Report No. HI-2115090, "(Proposed) Final Safety Analysis Report on the HI-STORM UMAX Storage System", for certification in accordance with 10CFR72.230 under the provisions of 10CFR72 Subpart L. To facilitate the Staff's review, the Final Safety Analysis Report (Attachment 1) has been prepared to comport with the guidelines of Reg. Guide 3.61 and NUREG-1536. In addition to the proposed FSAR, we also provide draft proposed editions of the Certificate-of-Compliance and the associated Technical Specification (Attachment 2).

We request that the SFST give consideration to an expedited review of this submittal because, in addition to being well edited and technically complete, it seeks to meet certain urgent evolving needs of the dry storage industry. Among the factors that should help expedite SFST's review effort are:

1. The HI-STORM UMAX is anatomically similar to the HI-STORM 100U ("100U") VVM licensed in NRC Docket No. 72-1014. The major differences between the HI-STORM UMAX and 100U are that the HI-STORM UMAX VVM cavity is larger in diameter and the HI-STORM UMAX closure lid features a modified outlet ventilation duct system. The storage cavity in the HI-STORM UMAX VVM is sufficiently large in physical dimensions to accommodate all canisters presently licensed by different designers under different 10CFR72 dockets.



2. The HI-STORM UMAX Storage System has been engineered and designed to be fully compatible with all HI-TRAC transfer casks and multi-purpose canisters (MPC) presently certified under USNRC Docket No. 72-1014 and 72-1032. However, at this time, the certification request is limited to storing the MPCs from the HI-STORM FW docket only.
3. The safety analyses of the "UMAX" and models are fully aligned with the approaches endorsed by the USNRC's SERs in our recent HI-STORM 100U and HI-STORM FW licensing submittals.
4. The HI-STORM UMAX is essentially the underground counterpart of HI-STORM FW system. As a result, the safety significant practices such as short term operations, radiation protection protocol and manufacturing operations remain unchanged from the current practice. The proven-ness of the safety significant aspects of the "UMAX" system is expected to make the Staff review effort less onerous.

We request that the SFST assign a dedicated team to this certification effort.

We request that the entire Attachment 1 be withheld from public disclosure under the provisions of 10CFR2.390 (see Attachment 3). A non-proprietary (redacted) version of the FSAR shall be submitted after completion of the NRC acceptance review. The calculation package will be submitted to NRC on or before, July 16th, 2012.

If you have any questions please feel free to contact me at 856-797-0900 x659.

Sincerely,

A handwritten signature in cursive script that reads "Stefan Anton".

Dr. Stefan Anton
Acting Licensing Manager, Holtec International

cc (letter only):

Mr. Eric Benner, USNRC
Mr. John Goshen, USNRC
Holtec Group 1 (via email)
Holtec Users Group (via email)

List of Attachments:

Attachment 1:	Proposed FSAR, Holtec Report No. HI-2115090 (Proprietary)
Attachment 2:	Proposed CoC and Technical Specification (Non-Proprietary)
Attachment 3:	Affidavit Pursuant to 10CFR2.390 to Withhold Information from Public Disclosure

AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, P. Stefan Anton, 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 information provided in Attachment 1 to Holtec letter Document ID 5021002R1. This Attachment contains 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).

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- (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.c, 4.d and 4.e, 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

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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.

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- (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.

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STATE OF NEW JERSEY)
)
COUNTY OF BURLINGTON)

ss:

P. Stefan Anton, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of her knowledge, information, and belief.

Executed at Marlton, New Jersey, this 27th day of July, 2012.

P. Stefan Anton
Holtec International

Subscribed and sworn before me this 27th day of July, 2012.

MARIA C. MASSI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 25, 2015