



March 14, 2019

Pierre Saverot, Project Manager – Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards

ATTN: USNRC Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Docket No.: 71-9378 (HI-STAR 100MB Model)
EPID No.: L-2018-NEW-0000

Subject: Submittal of Criticality RAI Reponses for the Review of the Model No. HI-STAR
100MB Package Application Request

Reference(s): [1] “Application Request for a Certificate of Compliance (CoC) for Holtec’s
Model No. HI-STAR 100MB Type B(U)F-96 Transportation Package” (Letter
No. 5014842 from Royston Ngwayah (Holtec) to Pierre Saverot (NRC) dated
February 16, 2018)
[2] “Request for Additional Information for the review of the Model No. HI-
STAR 100MB Package” (Letter from Pierre Saverot (NRC) to Royston
Ngwayah (Holtec) dated February 4, 2019)
[3] “Submittal of RAIs Reponses Excluding Criticality for the Review of the
Model No. HI-STAR 100MB Package Application Request” (Letter from
Brian Seawright (Holtec) to Pierre Saverot (NRC) dated February 13, 2019)

Dear Mr. Saverot:

By letter dated February 4, 2019 [2], NRC staff documented requests for additional information (RAIs) that are required to complete their detailed technical review of HI-STAR 100MB application request [1] submitted February 16, 2018. Holtec provided initial RAI Responses to the NRC staff for RAIs that excluded Chapter 6 (Criticality) by letter [3] submitted February 13, 2019.

Holtec’s responses to NRC staff Chapter 6 RAIs and supporting information are in the enclosures to this letter. In addition to the RAI Responses, Holtec has identified some additional corrections required for the HI-STAR 100MB application, including a licensing drawing change log, which are enclosed in the Summary of Proposed Changes (SOPC) to this letter. The supporting information in this letter includes Revision 1 of the HI-STAR 100MB SAR.

Responses to RAI chapters 1, 2, 3, 4, 5, 7, and 8 are provided by letter submitted February 13, 2019 [3]. Responses to Chapter 6 RAIs are provided in Enclosure 1 to this letter. The SOPC is provided in Enclosure 2, and the proprietary version is provided in Enclosure 3. Enclosure 4



contains an updated proposed CoC. Enclosure 5 contains Revision 1 of the HI-STAR 100MB SAR in support of the RAI responses, and Enclosure 6 contains the proprietary version. Enclosure 7 through 10 contain technical reports, and as necessary, computer data files in support of the changes made to the licensing bases in support of the RAI responses and the final HI-STAR 100MB SAR.

The information in Enclosures 3, 6, 7, 8, 9, and 10 are considered proprietary by Holtec. Therefore, Enclosure 11 is an affidavit prepared in accordance with 10 CFR 2.390 requesting that Enclosures 3, 6, 7, 8, 9, and 10 to this letter be withheld from public disclosure due to their proprietary nature.

If you have any questions, please contact me at (856)-797-0900, ext. 3931.

Sincerely,

Brian Seawright
Licensing Engineer
Holtec International

cc: (Via email)
John McKirgan, USNRC
Stefan Anton, Holtec
Kim Manzione, Holtec

- Enclosures: (3, 6, 7, 8, 9, and 10 contain Holtec Proprietary Information)
- Enclosure 1: Holtec's Criticality RAI Responses (Holtec Non-Proprietary Information)
 - Enclosure 2: HI-STAR 100MB SAR Summary of Proposed Changes and Drawing Revision Logs (Holtec Non-Proprietary Information)
 - Enclosure 3: HI-STAR 100MB SAR Summary of Proposed Changes and Drawing Revision Logs (Holtec Proprietary Information)
 - Enclosure 4: Changes to the Proposed CoC (Holtec Non-Proprietary Information)
 - Enclosure 5: HI-STAR 100MB SAR Revision 1 (Holtec Non-Proprietary Information)
 - Enclosure 6: HI-STAR 100MB SAR Revision 1 (Holtec Proprietary Information)
 - Enclosure 7: Criticality Calculation Package for HI-STAR 100MB including Input and Output files (Holtec Proprietary Information)
 - Enclosure 8: Shielding Calculation Package for HI-STAR 100MB including Input and Output files (Holtec Proprietary Information)
 - Enclosure 9: Corrected Structural Calculation Package for HI-STAR 100MB (Holtec Proprietary Information)
 - Enclosure 10: Corrected Thermal Calculation Package for HI-STAR 100MB (Holtec Proprietary Information)
 - Enclosure 11: Affidavit Pursuant to 10 CFR 2.390 to Withhold Information from Public Disclosure

AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, Kimberly Manzione, 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 Enclosures 3, 6, 7, 8, 9, and 10 to Holtec Letter 5026002. These enclosures contain 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, 4.b 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 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

AFFIDAVIT PURSUANT TO 10 CFR 2.390

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.

AFFIDAVIT PURSUANT TO 10 CFR 2.390

STATE OF NEW JERSEY)
) ss:
COUNTY OF CAMDEN)

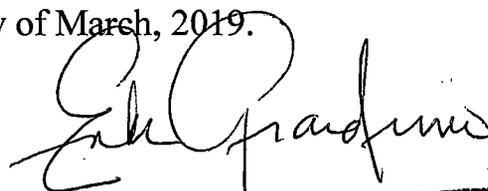
Kimberly Manzione, being duly sworn, deposes and says:

That she 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 14th day of March, 2019.


Kimberly Manzione
Licensing Manager
Holtec International

Subscribed and sworn before me this 14th day of March, 2019.



Erika Grandimo
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES January 17, 2022