



April 1, 2019

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

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

Docket No. 72-1032, Certificate of Compliance (CoC) No. 1032

Reference: 1. “Acceptance Review of Request for Amendment No. 5 to Certificate of Compliance No. 1032 for the HI-STORM Flood/Wind Cask System – Request for Supplemental Information” (Letter from Yen Chen (NRC) to Joyce Tomlinson (Holtec) dated February 13, 2019)

Subject: Response to HI-STORM FW Amendment 5 RSIs

Dear Ms. Chen:

By letter dated February 13, 2019 [1], NRC staff requested additional information (RSIs) needed to complete their review of HI-STORM FW Amendment 5 to the Certificate of Compliance No. 1032. This letter contains the responses to those questions as Attachment 1. The Summary of Proposed Changes (SOPC) was revised to remove proposed change #9 as previously discussed and is included as Attachment 2. Changes to the Certificate of Compliance (CoC) and Appendices A and B as a result of the RSI responses are contained in Attachments 3, 4 and 5 respectively. Additionally, revised FSAR pages to support the RSI responses are included as Attachment 6, and a non-proprietary version of those pages are contained in Attachment 7. Changes related to these RSIs are included and are highlighted in yellow in the FSAR pages. Attachment 8 contains the thermal analysis and input and output files as requested in RSI 4-1. The information in Attachment 8 is considered proprietary. Since some of the attachments to this letter are considered proprietary, an affidavit pursuant to 10CFR2.390 requesting that this information be withheld from public disclosure is included as Attachment 9.



Please contact me at (856)797-0900 extension 3765 if you have any questions or require any additional information.

Sincerely,

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

Joyce Tomlinson  
Adjunct Licensing Manager  
Holtec International

cc: (letter only without attachments)  
Mike Layton (NRC)  
John McKirgan (NRC)  
Christian Jacobs (NRC)

Attachments:

- Attachment 1: Response to Request for Supplemental Information on HI-STORM FW Amendment 5 (non-proprietary)
- Attachment 2: Revised Summary of Proposed Changes (SOPC) (non proprietary)
- Attachment 3: HI-STORM FW Amendment 5 Certificate of Compliance (non-proprietary)
- Attachment 4: HI-STORM FW Amendment 5 Certificate of Compliance, Appendix A (non-proprietary)
- Attachment 5: HI-STORM FW Amendment 5 Certificate of Compliance, Appendix B (non-proprietary)
- Attachment 6: HI-STORM FW FSAR (Proposed Rev. 5.F), changed pages (proprietary)
- Attachment 7: HI-STORM FW FSAR (Proposed Rev. 5.F), changed pages (non proprietary)
- Attachment 8: Thermal Analysis Input/ Output Files (proprietary)
- Attachment 9: Affidavit pursuant to 10 CFR 2.390

**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 Attachments 6 and 8 to Holtec Letter 5018064, which 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).

**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

**AFFIDAVIT PURSUANT TO 10 CFR 2.390**

---

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.

**AFFIDAVIT PURSUANT TO 10 CFR 2.390**

---

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

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 Camden, New Jersey, this 1<sup>st</sup> day of April, 2019.

  
Kimberly Manzione  
Licensing Manager  
Holtec International

Subscribed and sworn before me this   1   day of   April  , 2019.

*Korin M. Fagan*

KORIN M FAGAN  
Notary Public, State of New Jersey  
My Commission Expires  
February 15, 2024