



March 1, 2018

Pierre Saverot, Project Manager  
Spent Fuel 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.: 71-9374 (HI-STAR 80 Model)  
CAC No.: L25141

References: [1] Holtec Letter, Luis Hinojosa to Pierre Saverot, dated August 23, 2016  
[2] Holtec Letter, Luis Hinojosa to Pierre Saverot, dated October 20, 2016  
[3] USNRC Letter, Pierre Saverot to Luis Hinojosa, dated February 7, 2017  
[4] Holtec Letter, Luis Hinojosa to Pierre Saverot, dated June 16, 2017  
[5] USNRC Letter, Pierre Saverot to Luis Hinojosa, dated September 25, 2017  
[6] Holtec Letter, Stefan Anton to Pierre Saverot, dated January 10, 2018

Subject: Submittal of RAI Responses for Holtec's application for the design certification  
of the HI-STAR 80 Transportation Package

Dear Mr. Saverot:

Holtec International is pleased to submit its response to the staff's second request for additional information [5] on Holtec's application for the design certification of the HI-STAR 80 Transportation Package [1, 2 and 4].

In addition to the SAR's Revision Summary Log, a summary of proposed changes (SOPC) is provided in Enclosure 1 as a tool to facilitate the staff's review. The SOPC includes reasons and justifications for various safety significant enhancements made to the application.

Enclosures 2 and 3 contain proprietary and non-proprietary versions of Holtec's response to RAIs. Enclosures 4 and 5 contain proprietary and non-proprietary versions of Holtec's enhanced application titled HI-STAR 80 SAR Revision 2.C. Enclosure 6 contains the corresponding licensing drawing package.

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Enclosures 7 through 14 contain updated SAR supporting documents (proprietary designations are noted accordingly).

Enclosure 15 to this letter is an affidavit prepared in accordance with 10 CFR 2.390 requesting that Enclosures noted below as proprietary be withheld from public disclosure due to their proprietary nature.

If you have any questions, then please contact me at 856-797-0900, ext. 3698.

Sincerely,

Luis Hinojosa  
Corporate Adjunct Licensing Manager  
Project Manager of Licensing of Transportation Systems  
Holtec International

cc: (letter only w/o enclosures)  
John McKirgan, USNRC  
Mike Layton, USNRC

Enclosures: (2, 4, and 6 through 14 are proprietary)

- Enclosure 1: Summary of Proposed Changes (SOPC)  
(non-proprietary)
- Enclosure 2: Responses to HI-STAR 80 RAIs (proprietary)
- Enclosure 3: Responses to HI-STAR 80 RAIs (non-proprietary)
- Enclosure 4: HI-2146261, "Safety Analysis Report on the HI-STAR 80 Package", Revision 2.C  
(proprietary)
- Enclosure 5: HI-2146261, "Safety Analysis Report on the HI-STAR 80 Package", Revision 2.C (non-proprietary)
- Enclosure 6: Complete Licensing Drawing Package (corresponding to HI-STAR 100 SAR Revision 2.C  
(proprietary)
- Enclosure 7: HI-2156468, "Thermal Evaluations of HI-STAR 80 in Transport", Revision 4 (proprietary)
- Enclosure 8: HI-2167211, "Shielding Analysis for HI-STAR 80", Revision 4 (proprietary)

Enclosures continued on next page.



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- Enclosure 9: HI-2177694, "HI-STAR 80 Source Terms Using SCALE 6.2.1", Revision 2 (proprietary)
- Enclosure 10: HI-2167023, "Finite Element Analysis of HI-STAR 80 Transport Package For Postulated Drop and Puncture Accidents", Revision 2 (proprietary)
- Enclosure 11: HI-2084122, "Metamic-HT Qualification Sourcebook", Revision 13 (proprietary)
- Enclosure 12: HI-2167204, "Containment Analysis for HI-STAR 80", Revision 1 (proprietary)
- Enclosure 13: HI-2146353, "Criticality Analysis for the HI-STAR 80 Cask", Revision 2 (proprietary)
- Enclosure 14: HI-2177580, "Holtite-B Application Report for HI-STAR 80", Revision 1 (proprietary)
- Enclosure 15: Affidavit Pursuant to 10 CFR 2.390 to Withhold Information from Public Disclosure

**AFFIDAVIT PURSUANT TO 10 CFR 2.390**

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I, Debabrata Mitra-Majumdar, 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 Enclosures 2, 4 and 6 through 14 to Holtec Letter 2370005-NRC, 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).

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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.a, 4.b and 4e 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

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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.

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Document ID 2370005-NRC  
Non-Proprietary Enclosure 15

**AFFIDAVIT PURSUANT TO 10 CFR 2.390**

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

Debabrata Mitra-Majumdar, 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 28th day of February, 2018.



Debabrata (Debu) Mitra-Majumdar  
Sr. Director  
Holtec International

Subscribed and sworn before me this 28<sup>th</sup> day of February, 2018.



MARIA C. MASSI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 25, 2020