



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 10, 2020

Ms. Kimberly Manzione
Licensing Manager
Holtec International
Holtec Technology Campus
One Holtec Boulevard
Camden, NJ 08104

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION APPROVAL OF HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR HI-STAR 100 STORAGE CERTIFICATE OF COMPLIANCE RENEWAL APPLICATION (CAC/EPID NOS. 001028/ L-2018-RNW-0030)

Dear Ms. Manzione:

By letters dated December 7, 2018, June 28, 2019, and October 10, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession Numbers ML18345A178, ML19184A232, and ML19288A089, respectively), Holtec International (Holtec) submitted affidavits, executed by Kimberly Manzione, requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- December 7, 2018, submittal, Attachment 1: HI-2188306, Revision 1, "Certificate of Compliance Renewal Application for the HI-STAR 100 Dry Storage System" (proprietary)
- December 7, 2018, submittal, Attachment 3: HI-2188307, Revision 0, "Change Document Evaluation in Support of HI-STAR 100 License Renewal" (proprietary)
- June 28, 2019, submittal, Attachment 2: HI-2188306, HI-STAR 100 License Renewal Application, Revision 1.A (proprietary)
- October 10, 2019, submittal, Attachment 1: HI-2188306, HI-STAR 100 License Renewal Application, Revision 1.B (proprietary)

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

- 1) 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. 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.

- 2) 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 Holtec's technology and offer it for sale in competition with Holtec, causing Holtec financial injury.
- 3) 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.
- 4) 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.
- 5) 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.

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 above listed documents 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 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 U.S. Nuclear Regulatory Commission (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 the date of public disclosure which will be a reasonable time thereafter.

By letter dated December 12, 2019, Holtec noted that there were some incorrect footers on some pages of the non-proprietary versions of the renewal application (submitted on June 28, 2019, and October 10, 2019), that identified them as proprietary information. Holtec provided updated versions of those documents in the December 12, 2019, submittal. The NRC staff acknowledges that the December 12, 2019, submittal contains the corrected versions of the non-proprietary documents in the June 28, 2019, and October 10, 2019, submittals.

If you have any questions regarding this matter, please contact me at (301) 415-7116 or Kristina.Banovac@nrc.gov.

Sincerely,

/RA/

Kristina L. Banovac, Project Manager
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1008
CAC/EPID Nos. 001028/L-2018-RNW-0030

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