

November 29, 2000

Charles W. Bullard II
Holtec International
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES), UNITS 1 AND 2 -
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
PURSUANT TO 10 CFR 2.790 REGARDING THE RECONFIGURATION AND
ADDITION OF SPENT FUEL STORAGE RACKS (TAC NOS. MB0207 AND
MB0208)

Dear Mr. Bullard:

By application dated October 4, 2000 (TXX-00144), CPSES submitted your affidavit dated September 15, 2000, which requested that Holtec International (HI or Holtec) Report No. HI-2002402, "Licensing Report for Spent Fuel Rack Installation at Comanche Peak Steam Electric Station" (Proprietary Version), Revision 1, be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted with TXX-00144 as Enclosure 5 for placement in the U.S Nuclear Regulatory Commission (NRC) Public Document Room, which also includes scanning the report into ADAMS (Accession Number ML003760149), which is the NRC's publicly available electronic database.

The affidavit stated that the submittal information should be considered exempt from mandatory disclosure for the following reasons:

- 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 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 any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1439.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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Comanche Peak Steam Electric Station

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