



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

October 24, 2001

Mr. Brian Gutherman
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Gutherman:

On June 14, 2001, Holtec International (Holtec) submitted information to the Nuclear Regulatory Commission (NRC) to support a multi-purpose canister leak test that will be performed at Plant Hatch. Enclosed with the June 14, 2001, submittal was a proprietary Holtec document entitled:

- Holtec Project Procedure HSP-175, "MPC CLOSURE WELD CUMULATIVE LEAK TEST PROCEDURE."

A non-proprietary version of the document was provided by Holtec in the June 14, 2001, submittal. An electronic copy of Holtec's non-proprietary submittal can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML012080259. Holtec also submitted an affidavit signed by you dated June 14, 2001. In the affidavit, you stated that the above documents should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- The information 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;
- The information, 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;
- The information discloses patentable subject matter for which it may be desirable to obtain patent protection; and
- The information 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. Release of this information would improve a

competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. Withholding from public disclosure 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld 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.

Sincerely,

/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 71-9261, 72-1014, 72-1008
50-321, 50-366

October 24, 2001

B. Gutherman

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Sincerely,

(Original Signed by C. L. Miller for:)

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 71-9261, 72-1014, 72-1008
50-321, 50-366

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