



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

February 15, 2002

Dr. K. P. Singh, President  
Holtec International  
555 Lincoln Drive West  
Marlton, NJ 08054

SUBJECT: PUBLIC DISCLOSURE DETERMINATION REGARDING PFSF SITE SPECIFIC  
HI-STORM DROP/TIPOVER ANALYSES

Dear Dr. Singh:

By letter dated October 30, 2001, Private Fuel Storage, L.L.C. (PFS) submitted Holtec Report HI-2012653, "PFSF Site-Specific HI-Storm Drop/Tipover Analyses" to support its application to license an independent spent fuel storage installation on the reservation of the Skull Valley Band of Goshute Indians. An electronic copy of the cover letter can be found in the U.S. Nuclear Regulatory Commission (NRC) Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML013200398. With this letter, PFS submitted an affidavit signed by Brian Gutherman of Holtec International (Holtec). In the affidavit, Mr. Gutherman stated that the information in the report should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- (a) 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;
- (b) The 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) The information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International; and
- (d) The information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

Mr. Gutherman further stated that this information was developed and compiled by Holtec at a significant cost and the information is classified as proprietary because it contains detailed historical data and analytical results not available elsewhere. Mr. Gutherman also stated that Holtec expended a substantial effort to develop the information, and public disclosure of this information is likely to cause substantial harm to Holtec's competitive position and reduce the availability of profit-making opportunities.

On the basis of the affidavit, our review of the report, and in light of the requirements of 10 CFR 2.790, we have determined that the report 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

K. Singh

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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 consultants working in this area. We will, of course, ensure that 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 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.

If you have any comments or questions about this matter, please contact Mr. Michael Waters of my staff at (301) 415-3875.

Sincerely,

*/RA/*

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

Docket Nos.: 72-22, 72-1014

cc: PFS Service Lists

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Sincerely,

*(Original Signed by:)*

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

Docket Nos.: 72-22, 72-1014

cc: PFS Service Lists

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