

June 24, 2005

Mr. Evan Rosenbaum
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23850)

Dear Mr. Rosenbaum:

By your letter dated May 16, 2005, (Document ID 5014568), Holtec International (Holtec) submitted a revised application to the United States Nuclear Regulatory Commission (NRC) in accordance with 10 CFR Part 72 to amend Certificate of Compliance (CoC) No. 1014 for the HI-STORM 100 Cask System (License Amendment Request 1014-3, Revision 1). Your letter included an affidavit dated May 16, 2005. The affidavit requested that information, annotated as Holtec Proprietary Information, and which was contained in Attachment 3 of Holtec letter (Document ID 5014568) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390

Your May 16, 2005, affidavit requests that the annotated information in Attachment 3 be withheld from public disclosure pursuant to 10 CFR 2.390 for the following reason, the information discloses patentable subject matter for which it may be desirable to obtain patent protection.

Based on your May 16, 2005, submittal, our review of the proprietary information, and the requirements of 10 CFR 2.390, we have determined that the information described above, as enclosed with your letter (Document ID 5014568), should be withheld from public disclosure pursuant to 10 CFR 2.390. It is the NRC's policy to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised of the basis for and effects of licensing and rulemaking actions.

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 disclosure should change in the future such that the information could then be made available for public inspection, you should

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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/

Christopher M. Regan, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1014
TAC No. L23850

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