July 8, 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 June 27, 2005, (Document ID 5014572), Holtec International (Holtec) provided a copy of "Pressure Loss Characteristics for In-Cell Flow of Helium in PWR (pressurized water reactor) and BWR (boiling water reactor) MPC (multi-purpose cask) Storage Cells," Holtec Report HI-2043285, Revision 1, in support of the application 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 June 27, 2005. The affidavit requested that information, annotated as Holtec Proprietary Information, and which was contained in Attachment 2 of Holtec letter (Document ID 5014572) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

Your June 27, 2005, affidavit requests that the annotated information in Attachment 2 be withheld from public disclosure pursuant to 10 CFR 2.390 for the following reasons:

1) 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.

2) 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.

Based on your June 27, 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 5014572), 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 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

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/

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

Distribution:
NRC File Center SFPO R/F SBaggett

E:\Filenet\ML051890425.wpd

OFC	SFPO		SFPO		SFPO					
NAME	CRegan		EZiegler		MMarkley [acting]					
DATE	07 / 07 /05		07 / 07 /05		07/ 08 /05					

C = COVER E = COVER & ENCLOSURE N = NO COPY

OFFICIAL RECORD COPY