

August 25, 2005

Ms. Donna Jacobs
Vice President, Nuclear Services
Diablo Canyon Power Plant
P.O. Box 56
Avila Beach, CA 93424

SUBJECT: PUBLIC DISCLOSURE DETERMINATION FOR INFORMATION
RELATED TO THE HUMBOLDT BAY INDEPENDENT SPENT
FUEL STORAGE INSTALLATION (TAC NO. L23683)

Dear Ms. Jacobs:

By letter dated December 15, 2003, as supplemented, the Pacific Gas and Electric Company (PG&E) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) requesting a site specific license in accordance with 10 CFR Part 72 for an Independent Spent Fuel Storage Installation (ISFSI) at the Humboldt Bay Power Plant. In support of your application, and in response to the NRC staff's request for additional information, PG&E submitted documentation provided by Holtec International, Inc., with accompanying affidavits requesting that certain documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The purpose of this letter is to provide our determination regarding those requests.

The information sought to be withheld was submitted by PG&E in letters dated December 15, 2003, April 6, 2004, October 1, 2004, and April 15, 2005 (PG&E letters HIL-03-004, HIL-04-002, HIL-04-009 and HIL-05-004, respectively). Each of these letters included an affidavit signed by the Holtec Licensing Manager (Mr. B. Gutherman or Mr. S. Anton), dated December 2, 2003, April 6, 2004, September 28, 2004, and April 6, 2005. The subject information consists of design information, site hazards analyses, and calculations and data specifically developed by Holtec in support of PG&E's Humboldt Bay ISFSI application. A complete listing of the information for which withholding from public disclosure is being requested is provided in the attachment to this letter.

The affidavits provided request that the listed information 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, 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.
- (3) The information reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;

- (4) The information discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your application and the associated material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements and the supporting Holtec affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. 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.

Nonproprietary copies of all of the reports listed in the attachment were submitted by PG&E in letters dated June 15, 2004 and January 26, 2005. These documents will be designated as publicly available in the NRC's Public Document Room and in the Agencywide Documents Access and Management System Public Electronic Reading Room. The two drawings and data provided in your October 1, 2004 letter, and the computer program validation provided in your April 15, 2005 letter, were not provided in non-proprietary form, due to the extent of proprietary information included. Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 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.

If you have any questions concerning this determination, please contact me at (301) 415-1336.

Sincerely,

/RA/

James R. Hall, Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-27 (50-133)

Enclosure: As stated

cc: Mailing List

- (4) The information discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your application and the associated material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements and the supporting Holtec affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. 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.

Nonproprietary copies of all of the reports listed in the attachment were submitted by PG&E in letters dated June 15, 2004 and January 26, 2005. These documents will be designated as publicly available in the NRC's Public Document Room and in the Agencywide Documents Access and Management System Public Electronic Reading Room. The two drawings and data provided in your October 1, 2004 letter, and the computer program validation provided in your April 15, 2005 letter, were not provided in non-proprietary form, due to the extent of proprietary information included. Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 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.

If you have any questions concerning this determination, please contact me at (301) 415-1336.

Sincerely,
 /RA/
 James R. Hall, Senior Project Manager
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

Docket No. 72-27 (50-133)

Enclosure: As stated

ML052370264

cc: Mailing List

Distribution: PUBLIC SFPO r/f SBaggett

E:\Filenet\ML052370264.wpd *see previous concurrence

OFC	SFPO	E	SFPO		SFPO				
NAME	JRHall*		DRiffle*		RLewis				
DATE	08/24/05		08/24/05		08/ 25 /05				

C = Cover E = Cover & Enclosure N = No copy OFFICIAL RECORD COPY

List of Holtec Proprietary Documents for the Humboldt Bay ISFSI

PG&E letters dated December 15, 2003 (HIL-03-004) and April 6, 2004 (HIL-04-002):

1. Evaluation of Fires for the HBPP ISFSI,
Holtec Report No. HI-2033006, Revision 1
2. Criticality Evaluation for the Humboldt Bay ISFSI Project,
Holtec Report No. HI-2033010, Revision 1
3. Humboldt Bay Cask Storage Vault Structural Analysis, and Appendices J, K and L
Holtec Report No. HI-2033013, Revision 0
4. Seismic Response of HI-STAR HB in Vault Subject to DBE,
Holtec Report No. HI-2033014, Revision 0
5. HBPP Fuel Assembly Decay Heat Calculations,
Holtec Report No. HI-2033023, Revision 1
6. Humboldt Bay Thermal Analysis,
Holtec Report No. HI-2033033, Revision 0
7. Structural Calculation Package for MPC-HB,
Holtec Report No. HI-2033035, Revision 0
8. Seismic Response of the HI-STAR HB and Transporter to the DBE Event,
Holtec Report No. HI-2033036, Revision 0
9. Evaluation of Explosions for the HBPP ISFSI,
Holtec Report No. HI-2033041, Revision 1
10. Miscellaneous Calculations for the HI-STAR HB,
Holtec Report No. HI-2033042, Revision 0
11. Seismic Response of HI-STAR HB in RFB and Yard,
Holtec Report No. HI-2033046, Revision 0
12. ISFSI Dose Assessment for Humboldt Bay,
Holtec Report No. HI-2033047, Revision 0

PG&E October 1, 2004 letter (HIL-04-009):

1. Holtec Drawing 4105, Revision 1, HI-STAR Dry Fuel Storage Cask Vault (7 Sheets)
2. Holtec Drawing 4110, Revision 0, Dry Cask Vault Assembly (7 Sheets)
3. Effective Thermal Property Evaluations for HBPP Fuel Assemblies and MPC-HB,
Holtec Report No. HI-2033005, Revision 0
4. Evaluation of Fires for the HBPP ISFSI,
Holtec Report No. HI-2033006, Revision 2
5. Criticality Evaluation for the Humboldt Bay ISFSI Project,
Holtec Report No. HI-2033010, Revision 2
6. Humboldt Bay Cask Storage Vault Structural Analysis,
Holtec Report No. HI-2033013, Revision 3
7. Structural Calculation Package for MPC-HB,
Holtec Report No. HI-2033035, Revision 1
8. ISFSI Dose Assessment for Humboldt Bay,
Holtec Report No. HI-2033047, Revision 1
9. Data Pertaining to RAIs 6-1, 7-1, and 8-1

PG&E April 15, 2005 letter (HIL-05-004):

1. Validation of Visual Nastran Program,
Holtec Report No. HI-2022896, Revision 2
2. Seismic Response of HI-STAR HB in Vault Subject to DBE,
Holtec Report No. HI-2033014, Revision 1
3. Structural Calculation Package for MPC-HB,
Holtec Report No. HI-2033035, Revision 2

Pacific Gas and Electric Company
Humboldt Bay Power Plant, Unit 3
Docket Nos. 50-133, 72-27

cc:

Mr. Roy Willis, Plant Manager
Humboldt Bay Nuclear Power Plant
Pacific Gas & Electric Company
1000 King Salmon Avenue
Eureka, CA 95503

R. Terry Nelson, Director
Fossil Generation
Mail Code N11E
Pacific Gas & Electric Company
P.O.Box 770000
San Francisco, California 94177-0001

Mr. Richard F. Locke, Esq.
Law Department
Pacific Gas & Electric Company
Post Office Box 7442
San Francisco, CA 94120

Chairman, Humboldt County Board
of Supervisors
County Courthouse
825 Fifth Street
Eureka, CA 95501

Mr. Steve Hsu
Radiologic Health Branch
State Department of Health Services
P.O. Box 997414 (MS 7610)
Sacramento, CA 95899-7414

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Redwood Alliance
P.O. Box 293
Arcata, CA 95521
Dr. Rich Ferguson, Energy Chair
Sierra Club California
1100 11th Street, Suite 311
Sacramento, CA 94814

Mr. Truman Burns
Mr. Robert Kinosian
California Public Utilities Commission
505 Van Ness, Room 4102
San Francisco, CA 94102

Mr. Ed Bailey, Chief
Radiologic Health Branch
California Department of Health Services
P.O. Box 997414, MS 7610
Sacramento, CA 95899-7414

Mr. James D. Boyd, Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Deputy Attorney General
State of California
110 West A Street, Suite 700
San Diego, CA 92101

U.S. Environmental Protection Agency
Region IX Office
ATTN: Regional Radiation
Representative
75 Hawthorne Street
San Francisco, CA 94105

Chief, Fuel Cycle and Decommissioning
Branch, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Public Affairs Officer, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Mr. S. Anton
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053