

July 14, 2003

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23399)

Dear Mr. Gutherman:

By letter dated June 4, 2002, Pacific Gas and Electric Company (PG&E) submitted proprietary versions of two Holtec International (Holtec) reports: Nos. HI-2002474, "Analysis of the Loaded HI-STORM 100 System Under Drop and Tipover Scenarios," Revision 2, and HI-992252, "Topical Report on the HI-STAR/HI-STORM Thermal Model and its Benchmarking with Full-Size Cask Test Data," Revision 1. Non-proprietary versions of the reports were submitted December 13, 2002.

The non-proprietary versions have been made available electronically for public inspection in the U.S. Nuclear Regulatory Commission (NRC's) Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). PG&E requested that the proprietary versions be withheld from public disclosure pursuant to 10 CFR 2.790.

The PG&E letter dated June 4, 2002, included an affidavit executed by you on May 21, 2002, requesting that Holtec Report No. HI-2002474 and No. HI-992252 be withheld from public disclosure pursuant to 10 CFR 2.790.

The affidavit states that the submitted information should be withheld from public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure is owned and has been held in confidence by Holtec.
- (2) The information is of a type customarily held in confidence by Holtec, is not customarily disclosed to the public and is transmitted to the Commission in confidence.
- (3) Public disclosure of the information is likely to cause substantial harm to Holtec's competitive position.

Based on the June 4, 2002, submittal, our review of the proprietary information listed, and the requirements of 10 CFR 2.790, we have determined that the reports are proprietary commercial information and should be withheld from public disclosure pursuant to 10 CFR 2.790. 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/

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

Docket No. 72-26  
TAC No. L23399

cc: Mailing List

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<b>DATE</b>	6/23/03		6/23/03		06/21/03 /03		07/11/03		07/14/03	

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Diablo Canyon Power Plant, Units 1 and 2

cc:

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