



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

August 30, 2000

Mr. Robert M. Grenier
President and Chief Operating Officer
Transnuclear West Inc.
39300 Civic Center Drive, Suite 280
Fremont, CA 94538-2324

SUBJECT: PUBLIC DISCLOSURE DETERMINATION, TRANSNUCLEAR
WEST INC., APPLICATION FOR AMENDMENT OF
CERTIFICATE OF COMPLIANCE NO. 1004

Dear Mr. Grenier:

By letter dated July 15, 2000, Transnuclear West Inc. (TN West) submitted its application for Amendment No. 3 of NUHOMS® Certificate of Compliance (CoC) No. 1004, Docket No. 72-1004. Calculations contained in Attachment D and drawings contained in Section K.1.5 of Attachment C to the July 15, 2000, letter contain supporting information, which TN West has determined are proprietary in nature. Specifically, these attachments consist of design drawings and calculations of the dry spent fuel storage system. Attached to your request was an affidavit executed by you and dated July 14, 2000, requesting that the calculations identified in Attachment D as NUH61B.0600, Revision 0; and the design drawings identified in Attachment C as NUH-61B-1060, Revision 0; NUH-61B-1061, Revision 0; NUH-61B-1062, Revision 0; NUH-61B-1063, Revision 0; and NUH-61B-1064, Revision 0 be withheld from public disclosure pursuant to 10 CFR 2.790. In accordance with 10 CFR 2.790, the remaining information identified in the July 15, 2000, letter which has been designated as non-proprietary will be available electronically for public inspection in the Nuclear Regulatory Commissions (NRC) 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/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Your affidavit states that the documents should be withheld from public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure consists of design drawings and calculations of a storage system which is owned and has been held in confidence by TN West, the application of which provides a competitive economic advantage.
- (2) The information is of a type held in confidence by TN West and not customarily disclosed to the public and that this information required thousands of man-hours and hundreds of thousands of dollars. To the best of your knowledge and belief, a competitor would have to undergo similar expense in generating equivalent information.
- (3) The information is being transmitted to NRC in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence.

- (4) The information, to the best of your knowledge, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (5) Public disclosure of this information is likely to cause substantial harm to TN West's competitive position because it would simplify design and analysis of a spent fuel storage system without requiring a commensurate investment of time and effort.

On the basis of your submittal, our review of your submittal and affidavit, and in light of the requirements of 10 CFR 2.790, we have determined that the above listed calculations and design drawings included in Attachments C and D to the July 15, 2000, letter and designated as containing proprietary material should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the policy of 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 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 NRC. Please be advised that 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 NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

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

Docket No. 72-1004
TAC No. L23137

- (4) The information, to the best of your knowledge, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (5) Public disclosure of this information is likely to cause substantial harm to TN West's competitive position because it would simplify design and analysis of a spent fuel storage system without requiring a commensurate investment of time and effort.

On the basis of your submittal, our review of your submittal and affidavit, and in light of the requirements of 10 CFR 2.790, we have determined that the above listed calculations and design drawings included in Attachments C and D to the July 15, 2000, letter and designated as containing proprietary material should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the policy of 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 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.

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Sincerely,

(Original Signed by:)

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

Docket No. 72-1004

TAC No. L23137

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