



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

November 20, 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 (TAC NO. L23203)

Dear Mr. Grenier:

By letter dated September 29, 2000, Transnuclear West Inc. (TN West) submitted an application for approval of the Advanced NUHOMS[®] Horizontal Modular Storage System for Irradiated Nuclear Fuel. The application stated that the design was based on previously approved NUHOMS[®] designs.

The September 29, 2000, letter contained certain information that TN West has determined is proprietary in nature. Attachment 1 of your letter included an affidavit executed by Robert L. Grubb dated September 29, 2000, that requested the following Safety Analysis Report (SAR) pages, tables, and figures be withheld from public disclosure pursuant to 10 CFR 2.790:

Section 1.5.2 (24PT1-DSC and AHSM Drawings)	Figure 5.4-4
Table 3.5-1	Figure 5.4-5
Table 3.5-3	Figure 5.4-6
Table 3.5-4	Figure 5.4-7
Table 3.5-6	Table 6.2-1
Page 4.4-9	Table 6.2-2
Page 4.4.10	Page 6.3-5
Page 4.4.11	Table 6.3-1
Table 4.4-9	Table 6.3-2
Table 4.4.10	Table 6.3-2
Figure 4.4-2	Figure 6.3-7
Figure 4.4-3	Page 6.4-2
Figure 4.4-4	Table 6.4-3
Figure 4.4-5	Figure 6.4-2
Figure 4.4-6	Figure 6.4-3
Figure 4.4-7	Table 6.5-3
Figure 4.4-8	Table 6.4-4
Table 5.2-2	Page 11.2-3
Table 5.2-3	Page 11.2-4
Table 5.2-4	Page 11.2-6
Table 5.2-5	Page 11.2-7
Table 5.2-6	Page 11.2-9
Figure 5.4-1	Table 11.2-2
Figure 5.4-2	Figures 11.2-2 through 11.2-13
Figure 5.4-3	Figure 11.2-15

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 consists of design and calculational details of the NUHOMS[®] spent fuel storage system, which is owned and has been held in confidence by TN West.
- (2) The information is of a type customarily held in confidence by TN West, and not customarily disclosed to the public. Transnuclear West Inc. has a rational basis for determining the types of information customarily held in confidence by it.
- (3) The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
- (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 a similar product is manufactured and sold by competitors of TN West.

However, the September 29, 2000, letter did not contain a non-proprietary version of the SAR information as required by 10 CFR 2.790. By letter dated November 1, 2000, you supplemented your September 29, 2000, application with non-proprietary adaptations of the applicable SAR pages, however, the November 1 letter did not show a direct correlation between the information it submitted and the information submitted on September 29. Therefore, by letter dated November 8, 2000, you provided a matrix that associated the pages withheld in the September 29 letter with the pages submitted in the November 1 letter.

Based on your September 29, 2000, as supplemented by your November 1 and 8, 2000, submittals, our review of the above listed document, and the requirements of 10 CFR 2.790, we have determined that the above information should be withheld from public disclosure pursuant to 10 CFR 2.790. It is 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.

However, please remember that in accordance with 10 CFR 2.790, all future submittals must include non-proprietary adaptations of document(s) that you request be withheld from public disclosure.

R. Grenier

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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/

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

Docket No. 72-1029
TAC No. L23203

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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. 72-1029
TAC No. L23203

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