

November 2, 2001

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 a Certificate of Compliance for the Standardized Advanced NUHOMS System. The staff performed an initial public disclosure determination and found that TN West had not provided appropriate non-proprietary versions of all calculations and safety analysis report pages that supported the application. This was conveyed to TN West during a telephone conversation on November 2, 2000. Subsequently, on November 3, 2000, TN West withdrew the proprietary calculations. The following is a summary of other proprietary information submitted by TN West to support the Standardized Advanced NUHOMS System application. In parenthesis is the ADAMS Accession Number for the non-proprietary version of each document.

- January 5, 2001, (ADAMS Accession No. ML010230417) letter with affidavit signed by Robert M. Grenier on January 5, 2001, requesting the following documents be withheld from public disclosure:

- Calculation SCE-01.0200, Rev. 2
- Calculation SCE-01.0201, Rev. 1
- Calculation SCE-01.0203, Rev. 2
- Calculation SCE-01.0205, Rev. 1
- Calculation SCE-01.0207, Rev. 1
- Calculation SCE-01.0208, Rev. 2
- Calculation SCE-01.0209, Rev. 2
- Calculation SCE-01.0214, Rev. 1

- May 18, 2001, (ADAMS Accession No. ML011430240) letter with affidavit signed by Robert M. Grenier on May 18, 2001, requesting the following documents be withheld from public disclosure:

- Verification and Validation Report for LS-DYNA Version 950(c), Revision 1  
Advanced NUHOMS SAR, Revision 1 (Proprietary version)

- June 22, 2001, (ADAMS Accession No. ML011760498) letter with affidavit signed by Robert M. Grenier on June 22, 2001, requesting the following documents be withheld from public disclosure:

- Advanced NUHOMS SAR, Revision 2 (Proprietary version)

All above mentioned TN West affidavits executed by Robert M. Grenier requested the proprietary material be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavits stated 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 drawings and calculations of the NUHOMS<sup>®</sup> Cask, 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.

Based on your January 5, 2001, May 18, 2001, and June 22, 2001, submittals, our review of the proprietary and non-proprietary materials, and the requirements of 10 CFR 2.790, we have determined that the proprietary materials should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the U. S. Nuclear Regulatory Commission's (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,

Original signed by: Charles L. Miller for:

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

Docket No. 72-1029  
TAC No. L23203

R. Grenier

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