

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, TRANSNUCLEAR WEST
INC., APPLICATION FOR AMENDMENT OF CERTIFICATE OF
COMPLIANCE NO. 9255

Dear Mr. Grenier:

By letters dated August 24, 2001, and September 21, 2001, Transnuclear West Inc., (TN West) submitted responses to a request for additional information and an application dated October 3, 2001, to revise Certificate of Compliance No. 9255, Docket No. 71-9255, regarding the NUHOMS® MP-187 Transportation Package. Attached to the letters are change pages to update the MP-187 Safety Analysis Report, which TN West has determined are proprietary in nature. Specifically, these attachments consist of descriptions of the design and licensing drawings of the dry spent fuel storage and transportation system contained in Attachment E to the August 24, 2001, letter; Attachment C to the September 24, 2001, letter; and Attachment D to the October 3, 2001, letter. Attached to TN West's requests were affidavits executed by you and dated August 24, 2001, and October 3, 2001: and one affidavit executed by Robert Grubb, Vice President, Engineering, dated September 21, 2001, requesting that the above-mentioned descriptions of the design and drawings be withheld from public disclosure pursuant to 10 CFR 2.790. An electronic copy of TN West's non-proprietary submittal can be found in the NRC's Agencywide Documents Access and Management System (ADAMS).

The affidavits state 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 licensing drawings of a storage and transportation 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.
- (3) The information is being transmitted to the U.S. Nuclear Regulatory Commission (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 and Robert Grubb's 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 evaluation tasks without requiring a commensurate investment of time and effort.

On the basis of TN West's submittals, our review of the submittals and affidavits, and in light of the requirements of 10 CFR 2.790, we have determined that the above listed documents 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/ original signed by C Miller for /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No.: 71-9255
TAC Nos. L23264, L23376

- (5) Public disclosure of this information is likely to cause substantial harm to TN West's competitive position because it would simplify design and evaluation tasks without requiring a commensurate investment of time and effort.

On the basis of TN West's submittals, our review of the submittals and affidavits, and in light of the requirements of 10 CFR 2.790, we have determined that the above listed documents 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/ original signed by C Miller for /s/
 E. William Brach, Director
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 71-9255
 TAC Nos. L23264, L23376

Distribution:

Docket NRC File Center PUBLIC NMSS r/f SFPO r/f
 CRegan

C:\Program Files\Adobe\Acrobat 4.0\PDF Output\2790_mp187_10-22-01.WPD

OFC	SFPO	E	SFPO	C	OGC	C	SFPO		SFPO	SFPO
NAM	SBaggett		EZiegler		MPSiemien		BJDavis/msd		CLMiller	EWBrach/clm1
DATE	10/23/01		10/23/01		10/25/01		10/29/01		11/02/01	11/02/01

C = Cover E = Cover & Enclosure N = No copy

OFFICIAL RECORD COPY