

January 16, 2002

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. L23370)

Dear Mr. Grenier:

By letter dated August 31, 2001, Transnuclear West Inc. (TN West) submitted an application for amendment of Certificate of Compliance No. 1004 for the Standardized NUHOMS system. The August 31, 2001, submittal contained both a proprietary safety analysis report (SAR) and a non-proprietary SAR. An electronic copy of TN West's non-proprietary submittal can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML012570101.

TN West's letter included an affidavit executed by Robert M. Grenier, dated August 27, 2001, that requested the proprietary version of the SAR 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 consists of design drawings and calculations of the NUHOMS[®] 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 August 31, 2001, submittal, our review of the proprietary and non-proprietary versions of the SAR, and the requirements of 10 CFR 2.790, we have determined that the proprietary version of the SAR 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,
/RA/

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

Docket No. 72-1004
TAC No. L23370

R. Grenier

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Sincerely,
/S/ /RA/

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

Docket No. 72-1004
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