

May 10, 2002

Mr. U. B. Chopra
Licensing Manager
Transnuclear Inc.
39300 Civic Center Drive, Suite 280
Fremont, CA 94538-2324

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23343)

Dear Mr. Chopra:

By letter dated June 29, 2001, Transnuclear West Inc. (TN West) submitted an application for Amendment No. 5 of Certificate of Compliance No. 1004 for the Standardized NUHOMS® System. The June 29, 2001, submittal contained proprietary versions of the proposed changes to the Final Safety Analysis Report (FSAR) for the Standardized NUHOMS® System. By letter dated July 5, 2001, a non-proprietary version of the application was submitted. On February 21, 2002, Transnuclear, Inc. (TN), formerly TN West, re-submitted revised proprietary and non-proprietary versions in response to a Request for Additional Information (RAI). The non-proprietary versions of the submittals have been made available electronically for public inspection in the U.S. Nuclear Regulatory Commission's (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/reading-rm/adams.html> (the Public Electronic Reading Room). TN specifically requested on all submittals to withhold Appendix M of the FSAR (Proprietary Version) from public disclosure pursuant to 10 CFR 2.790.

TN West's and TN's letters included affidavits executed by Robert M. Grenier, on June 29, 2001, and by Alan Hanson, on February 20, 2002, that requested Appendix M of the FSAR (Proprietary Version) to be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavits state 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.

Based on your June 29 and July 5, 2001, and February 21, 2002, submittals, our review of the proprietary information listed, and the requirements of 10 CFR 2.790, we have determined that this information should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the 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/ original signed by /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1004
TAC No. L23343

- (5) Public disclosure of this information is likely to cause substantial harm to TN West's competitive position.

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