

August 12, 2002

Mr. Robert M. Grenier  
Manager  
Transnuclear Inc.  
Fremont Operation  
39300 Civic Center Drive, Suite 280  
Fremont, CA 94538-2324

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23370)

Dear Mr. Grenier:

By letter dated June 13, 2002, Transnuclear Inc. (TN) submitted its response to the Nuclear Regulatory Commission's (NRC's) request for additional information (RAI) related to the application for amendment of Certificate of Compliance No. 1004 for the Standardized NUHOMS system. The information for which proprietary treatment is sought is contained in the June 13, 2002, RAI response for staff use during the application review process. An electronic copy of TN's non-proprietary submittal can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML022000253.

TN's letter included your affidavit dated June 13, 2002, that requested the proprietary information 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 calculation packages and files related to the analysis of the NUHOMS<sup>®</sup> Cask, which is owned and has been held in confidence by Transnuclear, Inc.
2. The information consists of description of the design and analysis of a dry spent fuel storage and transportation system, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Transnuclear, Inc., take marketing or other actions to improve their product's position or impair the position of Transnuclear, Inc.'s product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

Based on your June 13, 2002, submittal, our review of the proprietary and non-proprietary information, and the requirements of 10 CFR 2.790, we have determined that the proprietary version of the RAI response 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.

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. 72-1004  
TAC No. L23370

R. Grenier

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

Docket No. 72-1004  
TAC No. L23370

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\* See previous concurrence

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