

January 02, 2003

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23370)

Dear Mr. Chopra:

By letter dated November 18, 2002, Transnuclear Inc. (TN) submitted Revision 2 of its application for NUHOMS Amendment No. 6 to the Nuclear Regulatory Commission (NRC). The revised application incorporates guidance provided by the staff in Interim Staff Guidance (ISG) -11, Revision 2, "Cladding Considerations for the Transportation and Storage of Spent Fuel." The information, for which proprietary treatment is sought, is contained in the November 18, 2002, revised submittal 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. ML023390016.

TN's letter included an affidavit executed by William D. Gallo, dated November 18, 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 a calculation package and files related to the analysis of the NUHOMS[®] Cask, which is owned and has been held in confidence by Transnuclear, Inc.
2. The information consists of the 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.

We have reviewed your proprietary calculation package and your affidavit, both dated November 18, 2002. In accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, we have determined that the calculation package sought to be withheld is proprietary commercial information. Therefore, the portion of the submittal marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790. It is the policy of the NRC 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,

/s/ /RA/

L. Raynard Wharton, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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U. B. Chopra

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Sincerely,

/s/ /RA/

L. Raynard Wharton, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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* See previous concurrence

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