

June 09, 2003

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23606)

Dear Mr. Chopra:

By letter dated April 30, 2003, Transnuclear, Inc., (TN) submitted an application for Amendment No. 1 of Advanced NUHOMS® Certificate of Compliance (CoC) No. 1029. The April 30, 2003, submittal contained proprietary and non-proprietary versions of Amendment No. 1 to the Final Safety Analysis Report (FSAR) and a proprietary alternative thermal analysis calculation. The non-proprietary version of Amendment No.1 to the FSAR has been made available electronically for public inspection in the U.S. Nuclear Regulatory Commission (NRC's) 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 requested that the proprietary version of the application and the proprietary calculation be withheld from public disclosure pursuant to 10 CFR 2.790.

The letter dated April 30, 2003, included an affidavit executed by William Gallo on April 30, 2003, that requested Attachment C, Revision 0 (proprietary version) and Calculation No. SCE-23.0404, Revision 1 (proprietary) 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 is owned and has been held in confidence by TN.
- (2) The information is of a type customarily held in confidence by TN, is not customarily disclosed to the public and is transmitted to the Commission in confidence.
- (3) The information, to the best of TN's knowledge and belief, is not available in public sources and the release of such information might result in a loss of competitive advantage.

Based on your April 30, 2003, submittal, our review of the proprietary information listed, and the requirements of 10 CFR 2.790, we have determined that this information is proprietary commercial information and 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/
Mary Jane Ross-Lee, Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1029
TAC No. L23606

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/RA/
 Mary Jane Ross-Lee, Senior Project Manager
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