



**TRANSNUCLEAR**

November 28, 2003  
NUH03-03-59

Ms. Mary Jane Ross Lee  
Spent Fuel Project Office  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

**Subject:** Final Safety Analysis Report (FSAR) for the Standardized NUHOMS®  
Horizontal Modular Storage System For Irradiated Nuclear Fuel, Revision 7.

**References:** 1. FSAR for the Standardized NUHOMS® Horizontal Modular Storage  
System For Irradiated Nuclear Fuel, Revision 6.  
2. Amendment No. 4, Certificate of Compliance (CoC) No. 1004 for the  
NUHOMS® Storage System.

Dear Ms. Ross Lee:

Pursuant to the requirements of 10 CFR 72.248, Transnuclear, Inc., (TN) has updated Revision 6 of the FSAR (Reference 1) and files for docketing the updated FSAR Revision 7 on a replacement page basis. This update incorporates the changes authorized by Amendment No. 4 to CoC 1004 (Reference 2) and all the changes implemented by TN under the 72.48 rule through October 2003 following the docketing of Reference 1.

Each change has been identified with a change indicator shown in the margin adjacent to the content revised. TN is separately submitting a summary description of all such changes and supporting evaluations as required per 72.48(d)(2).

Please note that this submittal includes proprietary information. In accordance with 10CFR2.790, we are providing an affidavit specifically requesting that you withhold this proprietary information from public disclosure.

Please contact me at 510-744-6053 if you require any additional information in support of this submittal.

Sincerely,



U. B. Chopra  
Licensing Manager

KIMSSO1

Docket 72-1004

- Enclosures:
1. 10 CFR 2.790 Affidavit.
  2. Ten (10) copies of the proprietary version of FSAR Revision 7 (Changed Pages Only).
  3. Three (3) copies of the Non-proprietary version of FSAR Revision 7 (Changed Pages Only).

**AFFIDAVIT PURSUANT  
TO 10 CFR 2.790**

Transnuclear, Inc.                    )  
State of Washington                )     SS.  
County of Pierce                    )

I, William D. Gallo, depose and say that I am Senior Vice President of Transnuclear, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations for withholding this information.

The information for which proprietary treatment is sought is contained in Enclosure 2 as listed below:

1. Final Safety Analysis Report (FSAR) for the Standardized NUHOMS<sup>®</sup> Horizontal Modular Storage System for Irradiated Nuclear Fuel, Revision 7 (Enclosure 2, Proprietary Version).

This document has been appropriately designated as proprietary.


I have personal knowledge of the criteria and procedures utilized by Transnuclear, Inc. in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld.

- 1) The information sought to be withheld from public disclosure is a proprietary Safety Analysis Report relating to the analysis of the NUHOMS<sup>®</sup> Cask, which is owned and has been held in confidence by Transnuclear, Inc.
- 2) The information is of a type customarily held in confidence by Transnuclear, Inc. and not customarily disclosed to the public. Transnuclear, 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 my knowledge and belief, 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 the information is likely to cause substantial harm to the competitive position of Transnuclear, Inc. because:

- a) A similar product is manufactured and sold by competitors of Transnuclear, Inc.
- b) Development of this information by Transnuclear, Inc. required thousands of man-hours and hundreds of thousands of dollars. To the best of my knowledge and belief, a competitor would have to undergo similar expense in generating equivalent information.
- c) In order to acquire such information, a competitor would also require considerable time and inconvenience related to the development of a design and analysis of a dry spent fuel storage system.
- d) The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.
- e) 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.
- f) In pricing Transnuclear, Inc.'s products and services, significant research, development, engineering, analytical, licensing, quality assurance and other costs and expenses must be included. The ability of Transnuclear, Inc.'s competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

Further the deponent sayeth not.



William D. Gallo  
Senior Vice President, Transnuclear, Inc.

Subscribed and sworn to me before this 24<sup>th</sup> day of November 2003, by William D. Gallo.

Michele G. Vizzard  
Notary Public  
Exp. 2/19/05

