

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

March 17, 2004

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23653)

Dear Mr. Chopra:

By letter dated September 19, 2003, Transnuclear Inc. (TN) submitted its application to the Nuclear Regulatory Commission (NRC) for Amendment No. 8 to the NUHOMS[®] Certificate of Compliance (CoC) No. 1004 for Dry Spent Fuel Storage Casks. The submittal contained proprietary and non-proprietary versions of the Amendment No. 8 to the Final Safety Analysis Report for the Standardized NUHOMS[®] System, a calculation package, and ANSYS files for which proprietary treatment is sought. 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. ML032960489.

TN's letter included an affidavit executed by Mr. William D. Gallo on September 16, 2003, 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 the proprietary Safety Analysis Report, supporting calculation package, and ANSYS/SINDA FLUENT input files related to the analysis of the NUHOMS[®] Cask, which is owned and has been held in confidence by TN.
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 TN, take marketing or other actions to improve their product's position or impair the position of TN's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

Recent NRC rule revision to the Adjudicatory Process (69 FR 2182, January 14, 2004) has redesignated 10 CFR 2.790 as 10 CFR 2.390. This change was effective February 13, 2004. Based on your September 19, 2003, submittal, our review of the proprietary and non-proprietary information, and the requirements of 10 CFR 2.390, we have determined that the proprietary version of your response should be withheld from public disclosure pursuant to 10 CFR 2.390. 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.

U. B. Chopra

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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/

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

Docket No. 72-1004

TAC No. L23653

U. B. Chopra

-2- March 17, 2004

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Sincerely,

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

Docket No. 72-1004
TAC No. L23653

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