

July 08, 2004

Mr. Michael Mason  
Chief Engineer  
Transnuclear, Inc.  
Four Skyline Drive  
Hawthorne, NY 10532

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23738)

Dear Mr. Mason:

By letter dated May 5, 2004, Transnuclear, Inc. (TN), submitted an application for license approval under Subpart L for the NUHOMS® HD Dry Storage System with the 32PTH canister to the U. S. Nuclear Regulatory Commission (NRC). The submittal contained proprietary and non-proprietary versions of the Safety Analysis Report (SAR). The non-proprietary version of the submittal has been made available electronically for public inspection in the NRC 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).

The information sought to be withheld from public disclosure by TN is portions of the SAR for the NUHOMOS® HD Horizontal Modular Storage System for Irradiated Nuclear Fuel. This information includes input files for normal and accident conditions, licensing drawings, and supporting safety analysis. Your letter included an affidavit executed by Alan Hanson, on April 6, 2004, which requests that portions of the NUHOMS® HD Horizontal Modular System for Irradiated Nuclear Fuel SAR be withheld from public disclosure. Your affidavit requests that the enclosures be withheld from public disclosure pursuant to 10 CFR 2.390 for the following reasons:

- (1) The information sought to be withheld from public disclosure is owned and has been in confidence by Transnuclear.
- (2) The information is of a type customarily held in confidence by Transnuclear, is not customarily disclosed to the public and is transmitted to the Commission in confidence.
- (3) The information sought to be protected is not now available in public sources to the best of your knowledge.
- (4) It reveals the distinguishing aspects of a storage system where prevention of its use by any of Transnuclear's competitors without license from Transnuclear constitutes a competitive economic advantage over other companies.
- (5) It consist of supporting data, including test data, relative to a component or material, the application of which secures a competitive economic or technical advantage.

- (6) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (7) This information should be held in confidence because it provides details of materials qualification programs that were developed at significant expense. This information has substantial commercial value to Tansnuclear in connecting with competition with other vendors for contracts.

Based on your May 5, 2004, submittal, our review of the proprietary information, and the requirements of 10 CFR 2.390, we have determined that the information described above, as enclosed with your letter, 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.

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/  
Adrienne Lester, Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

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TAC No. L23738

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 Adrienne Lester, Project Manager  
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