

July 23, 2004

Mr. U. B. Chopra
Licensing Manager
Transnuclear, Inc.
Four Skyline Drive
Hawthorne, NY 10532

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23606)

Dear Mr. Chopra:

By letter dated July 2, 2004, Transnuclear, Inc. (TN), submitted a response to the Request for Additional Information (RAI) for Chapter A.4 and submittal of Revision 2 of Application for Amendment No.1 of Advanced NUHOMS[®] Certificate of Compliance (CoC) No. 1029. 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 U.S. Nuclear Regulatory Commission (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 thermal analysis that will aid the staff's review of the application of the NUHOMS[®] 24PT4 Dry Shielded Canister (DSC). This information includes input files, licensing drawings, and proprietary calculations.

On July 7, 2004, TN and the NRC staff held a public meeting in Rockville, Maryland. A portion of that meeting, which discussed the thermal RAI responses, was determined to be proprietary. TN presented slides and handouts during the proprietary section. TN submitted affidavits executed by William D. Gallo, on July 1, 2004, which requested that portions of the supporting analysis for the thermal analysis and the slides be withheld from public disclosure. His affidavits requested 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 are calculation packages and input files relating to the analysis of the Advanced NUHOMS[®] Cask.
- (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 sought to be protected is not now available in public sources to the best of his knowledge.
- (4) Development of information by TN required expenditure of considerable resources. 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.

- (5) The information required significant effort and expense to obtain the licensing approvals necessary for application of the information.
- (6) The information consist 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.
- (7) The ability of TN's competitors to utilize pricing information on products and services without using similar expenditures of resources may enable them to sell at prices reflecting significantly lower cost.

Based on your July 2 and July 7, 2004, submittals, 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 letters, 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

Docket No. 72-1029
TAC No. L23606

- (5) The information required significant effort and expense to obtain the licensing approvals necessary for application of the information.
- (6) The information consist 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.
- (7) The ability of TN's competitors to utilize pricing information on products and services without using similar expenditures of resources may enable them to sell at prices reflecting significantly lower cost.

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

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*See previous concurrence

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NAME	ALester*		EZiegler *		MRoss-Lee*		JMonninger		
DATE	7/22 /04		7/ 22/04		7 / 22/04		7/ 23 /04		

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