

August 17, 2005

Mr. George Vanderheyden, Vice President
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23846)

Dear Mr. Vanderheyden:

By your letter dated May 16, 2005, Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP) submitted a proprietary Transnuclear, Inc. (TN) calculation to support CCNPP's request to amend Materials License No. SNM-2505. Specifically, attachment 4 to your May 16, 2005, letter included TN proprietary calculation, "NUHOMS[®]-32P DSC Structural Analysis," Document No. 1095-34, Revision No. 3. Your letter also included as attachment 3 a TN affidavit dated April 7, 2005. The affidavit requested that information, annotated as TN Proprietary Information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790(b). The staff notes that effective February 13, 2004, the U.S. Nuclear Regulatory Commission (NRC) renumbered 10 CFR 2.790 as 10 CFR 2.390.

The TN April 7, 2005, affidavit requests that Transnuclear Calculation 1095-34, Revision 3 be withheld from public disclosure pursuant to 10 CFR 2.790 (*sic*) for the following reasons:

- a) 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.
- b) It consists of supporting data, including test data, relative to a component or material, the application of which secures a competitive economic or technical advantage.
- c) 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.

Based on your May 16, 2005, 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 (Transnuclear Calculation 1095-34, Revision 3), 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.

G. Vanderheyden

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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/

Joseph M. Sebrosky, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-8
TAC No. L23846

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Docket No. 72-8
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*See previous concurrence
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