



ENERGYSOLUTIONS
Spent Fuel Division

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

File Index No.: TYC01.0054
Letterbook No.: SFD/NRC 06-010
Docket No. 71-9320

November 17, 2006

Subject: Replacement Copies of MIDUS Transportation Package Safety Analysis Report

Reference: Letter from EnergySolutions Spent Fuel Division to U.S. Nuclear Regulatory Commission, Subject: Application for MIDUS Transportation Package Approval, Letterbook No. SFD/NRC 06-007, November 1, 2006.

Dear Sir or Madam:

On November 1, 2006, EnergySolutions Spent Fuel Division (EnergySolutions SFD) applied for U.S. Nuclear Regulatory Commission (NRC) approval of the MIDUS transportation package by the referenced letter. The application included electronic copies of public and non-public versions of the MIDUS Transportation System Safety Analysis Report (SAR). On November 16, 2006, the NRC Document Control staff verbally notified EnergySolutions SFD that the electronic files that did not fully comply with NRC guidelines for electronic submissions to the Commission. EnergySolutions SFD has reviewed the issues identified and made corrections to the SAR file formats to comply with NRC guidelines. No changes were made to any SAR content. The corrected SAR files are enclosed.

Enclosures 1 contains an electronic copy of the non-public version of the SAR that contains proprietary information and security-related sensitive information that should be withheld under 10 CFR 2.390. The attached affidavit contains a full statement of the reasons that the proprietary information should be withheld from the public, pursuant to the requirements of 10 CFR 2.390. Enclosure 2 contains a public version of the SAR in which all proprietary information and security-related sensitive information is redacted.

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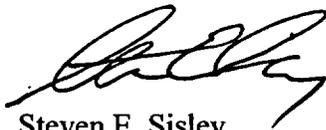

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Should you or any member of your staff have questions, please contact the undersigned at:

2105 S. Bascom Ave., Suite 160
Campbell, CA 95008
(408) 558-3509
E-Mail: ssisley@energysolutions.com

Sincerely,



Steven E. Sisley
Licensing/Regulatory Compliance Manager

Enclosures:

- (1) CD-ROM, labeled "MIDUS Transportation Package Safety Analysis Report, Revision 0, November 16, 2006, Non-Public Version, Withhold under 10 CFR 2.390," containing file: *001_MIDUS_SAR_r0_non-public_v2.pdf*, 13.9 MB
 - (2) CD-ROM, labeled "MIDUS Transportation Package Safety Analysis Report, Revision 0, November 16, 2006, Public Version," containing file: *001_MIDUS_SAR_r0_public_v2.pdf*, 12.2 MB
- cc) Ms. N. Osgood, Division of Spent Fuel Storage and Transportation w/ Enclosures

AFFIDAVIT PURSUANT TO 10 CFR 2.390

State of California)
) SS.
County of Santa Clara)

I, Steven E. Sisley, depose and say as follows:

- (1) I am Licensing/Regulatory Compliance Manager of *EnergySolutions* Spent Fuel Division (*EnergySolutions* SFD), and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been duly authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the document listed in Table 1. This document has been appropriately designated as proprietary.

TABLE 1

Document No.	Document Title	Rev/Date
TYC01.1600	MIDUS Transportation Package Safety Analysis Report	0 11/16/06

- (3) I have personal knowledge of the criteria and procedures used by *EnergySolutions* SFD in designating information as trade secret, privileged, or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, including the information as designated in paragraph (2) above, should be withheld.

- (i) The information sought to be withheld from public disclosure is included in the report documenting information regarding nuclear fuel design, properties, and data which is owned and has been held in confidence by *EnergySolutions* SFD.
- (ii) The information is of a type customarily held in confidence by *EnergySolutions* SFD and not customarily disclosed to the public. *EnergySolutions* SFD has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes *EnergySolutions* SFD policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process or component, structure, tool, method, etc., and the prevention of its use by *EnergySolutions* SFD's competitors, without license from *EnergySolutions* SFD, gives *EnergySolutions* SFD a competitive economic advantage.
- (b) The information consists of supporting data (including test data) relative to a process or component, structure, tool, method, etc. and gives *EnergySolutions* SFD a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) The information, if used by a competitor, would reduce the competitor's expenditure of resources or improve the competitor's advantage in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

- (d) The information reveals cost or price information, production capacities, budget levels, or commercial strategies of *EnergySolutions* SFD, its customers or suppliers.
 - (e) The information reveals aspects of past, present, or future *EnergySolutions* SFD or customer funded development plans and programs of potential commercial value to *EnergySolutions* SFD.
 - (f) The information contains patentable ideas, for which patent protection may be desirable.
 - (g) The information is third-party Proprietary Information.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked and being transmitted by *EnergySolutions* SFD to the Document Control Desk. The proprietary information has been presented to the Nuclear Regulatory Commission and is being voluntarily provided by *EnergySolutions* SFD.
- (vi) Public disclosure of the information is likely to cause substantial harm to the competitive position of *EnergySolutions* SFD because:

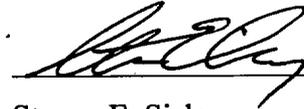
- (a) Similar products are manufactured and sold by competitors of *EnergySolutions* SFD.
- (b) The development of this information by *EnergySolutions* SFD is the result of a significant expenditure of staff effort and a considerable sum of money. To the best of my knowledge and belief, a competitor would have to undergo similar effort and expense in generating equivalent information.
- (c) In order to acquire such information, a competitor would also require considerable time and inconvenience related to obtaining nuclear fuel properties and data and its application to spent fuel storage and transportation system design.
- (d) The information consists of detailed descriptions, properties and test data of nuclear fuel elements, and its use in the development of an acceptance basis for dry storage of such fuel in a transportable spent fuel storage 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 *EnergySolutions* SFD, take marketing or other actions to improve their product's position or impair the position of *EnergySolutions* SFD's product, and avoid developing fabrication data in support of their processes, methods, and/or apparatus.
- (e) In pricing *EnergySolutions* SFD's products and services, significant research, development, engineering, analytical, licensing, fabrication, quality assurance and other costs must be included. The ability of *EnergySolutions* SFD's competitors to utilize such information without similar expenditure of resources may enable them to sell their product at prices reflecting significantly lower costs.

Further the deponent sayeth not.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on November 17, 2006

Date



Steven E. Sisley
Licensing/Regulatory Compliance Manager
EnergySolutions Spent Fuel Division