



February 23, 2007  
E- 24654

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Subject: Affidavit for the NUHOMS® HD System Safety Analysis Report

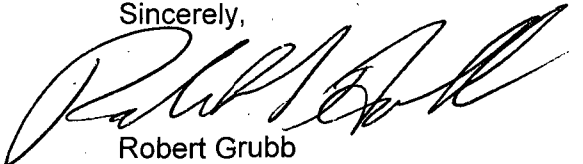
Reference: Letter from Michael Mason (TN) to Ms. Mary Jane Ross-Lee (NRC), RAI  
Response for the NUHOMS® HD Storage System Docket No. 72-1030 (TAC  
No. L23738), February 18, 2005

Gentlemen:

The referenced letter forwarded responses to a request for additional information, Revision 2 pages for the NUHOMS® HD Safety Analysis Report, and an affidavit for withholding proprietary information in accordance with 10 CFR 2.390. The purpose of this submittal is to provide an affidavit for withholding additional information forwarded by the referenced letter.

Should the NRC staff require additional information regarding this submittal, please do not hesitate to contact Mr. Don Shaw at 410-910-6878 or me at 410-910-6930.

Sincerely,



Robert Grubb  
Senior Vice President - Engineering

Enclosures:

1. Affidavit

cc: Mr. Joseph Sebrosky (NRC SFST) (provided in a separate mailing)

**AFFIDAVIT PURSUANT**  
**TO 10 CFR 2.390**

Transnuclear, Inc.                                 )  
State of Maryland                                 )       SS.  
County of Howard                                 )

I, Robert Grubb, depose and say that I am Senior Vice President of Transnuclear, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.390 of the Commission's regulations for withholding this information.

The information for which proprietary treatment is sought is contained in the referenced letter of February 18, 2005 and as listed below:

1. SAR Section 3.9.8.13, Revision 2, dated 2/05, as follows:
  - a. all information after "Material property for high burnup fuel" on page 3.9.8-21,
  - b. all information on page 3.9.8-22, except for the second paragraph and the one-line equation which follows that paragraph,
  - c. all information on page 3.9.8-23.
2. SAR Figure 3.9.8-5, Revision 2, dated 2/05.

These documents have been appropriately designated as proprietary.

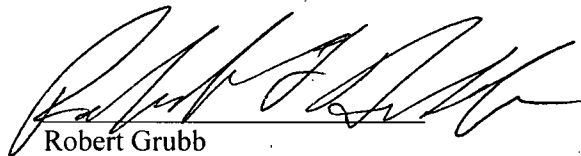
I have personal knowledge of the criteria and procedures utilized by Transnuclear, Inc. in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld.

- 1) The information sought to be withheld from public disclosure is certain material properties for the derivation of fuel assembly material properties associated with the damage fuel cladding structural evaluation, some portions of which are owned and some portions of which were obtained under a proprietary agreement with others, and have been held in confidence by Transnuclear, Inc.
- 2) The information is of a type customarily held in confidence by Transnuclear, Inc. and not customarily disclosed to the public. Transnuclear, Inc. has a rational basis for determining the types of information customarily held in confidence by it.
- 3) The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.390 with the understanding that it is to be received in confidence by the Commission.
- 4) The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.

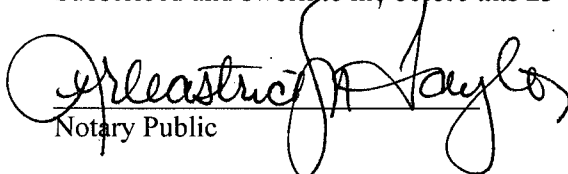
- 5) Public disclosure of the information is likely to cause substantial harm to the competitive position of Transnuclear, Inc. because:
- a) A similar product is manufactured and sold by competitors of Transnuclear, Inc.
  - b) Development of this information by Transnuclear, Inc. required expenditure of considerable resources. To the best of my knowledge and belief, a competitor would have to undergo similar expense in generating equivalent information.
  - c) 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.
  - d) The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.
  - e) The information consists of descriptions of the design and analysis of dry spent fuel storage systems, the application of which provide a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Transnuclear, Inc., take marketing or other actions to improve their product's position or impair the position of Transnuclear, Inc.'s product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
  - f) In pricing Transnuclear, Inc.'s products and services, significant research, development, engineering, analytical, licensing, quality assurance and other costs and expenses must be included. The ability of Transnuclear, Inc.'s competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

Further the deponent sayeth not.

  
Robert Grubb

Senior Vice President, Transnuclear, Inc.

Subscribed and sworn to me before this 23<sup>rd</sup> day of February, 2007.

  
Notary Public

My Commission Expires 10 / 14 / 2008

