



August 7, 2006  
E-23846

Mr. Joseph Sebrosky  
Spent Fuel Project Office, NMSS  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike MIS 0-6-F-18  
Rockville, MD 20852

Subject: Transnuclear, Inc. (TN) Application for Approval of the TN-40 Transportation Packaging for Spent Fuel

Reference: 1. Letter from Juan D. Peralta (NRC) to Steven C. White (TN), dated September 12, 2005, "Quality Assurance Program Approval for Radioactive Material Packages No. 0250, Revision 12"

Dear Mr. Sebrosky:

In accordance with 10 CFR 71 Subpart D, Transnuclear, Inc. (TN) hereby applies for package approval for a Type B(U) spent fuel Transportation Packaging developed by TN and designated TN-40.

Please find enclosed a safety analysis report (SAR) for the TN-40 Transportation Packaging. Regarding § 71.31(a)(3), TN's 10 CFR Part 71 Quality Assurance Program was most recently approved on September 12, 2005, as documented in Reference 1.

TN has a contract with a utility using the TN-40 casks who has an obligation to their state government to use only dual-purpose (storage and transportation) casks for storage of spent fuel in the future. In order to meet this obligation, NRC's approval of this application is requested by July 2007.

This submittal includes Transnuclear proprietary information. In accordance with 10 CFR 2.390, we are providing an affidavit specifically requesting that you withhold this proprietary information from public disclosure.

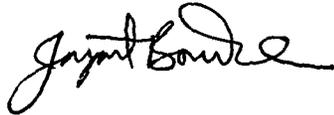
This submittal also contains appropriately labeled security-related sensitive information which should be withheld under 10 CFR 2.390.

Should you or your staff require additional information to support review of this application, please do not hesitate to contact me at 410-910-6881 or Mr. U.B. Chopra at 510-744-6053.

Rec'd & cd 3/9/07  
NMSS 01

Transnuclear, Inc.  
E-23846  
August 7, 2006

Sincerely,



Jayant Bondre, PhD  
Director of Engineering and Licensing

Enclosures:

1. Affidavit Pursuant to 10 CFR 2.390.
2. One (1) paper copy of the TN-40 Transportation Packaging Safety Analysis Report, Revision 0, Document No. 23861 (Nonproprietary, Public version).
3. Eight (8) paper copies of the TN-40 Transportation Packaging Safety Analysis Report, Revision 0, Document No. 23861 (Proprietary version).
4. ~~One (1) compact disc copy of the TN-40 Transportation Packaging Safety Analysis Report, Revision 0, Document No. 23861 (Nonproprietary, Public version).~~
5. ~~One (1) compact disc copy of the TN-40 Transportation Package Safety Analysis Report, Revision 0, Document No. 23861 (Proprietary, Non-Public version).~~

*Note: Compact discs redundant to paper copies provided as enclosure 2 & 3.*



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

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

I, Jayant Bondre, depose and say that I am the Director of Engineering and Licensing 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 Enclosure 3 and as listed below:

1. Appendix 2.10.7 *Evaluation of Undamaged Fuel Under Accident Acceleration*, including tables and figures.
2. Portions of Chapter 6, TN-40 Transport Packaging Criticality Evaluation, specifically, Section 6.3 *Model Specification*, Sections 6.4.1 and 6.4.2, including pertinent tables and figures and Appendices 6.6.2 and 6.6.3 containing computer input files for design basis criticality analysis.

This document has 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 pertinent to spent nuclear transportation packaging supporting design analyses which are owned 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. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable
  - 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 transportation system.
  - d) The information consists of description of the design and analysis of a dry spent fuel transportation 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 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.
  - e) 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.

*Jayant Bondre*  
 Jayant Bondre  
 Director of Engineering and Licensing, Transnuclear, Inc.

Sworn to and subscribed before me this 7<sup>th</sup> day of August, 2006.

*Alaestric N. Taylor*  
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 Notary Public

My Commission Expires 10 / 14 / 2008

