



September 11, 2009
E-28473

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

Subject: Application for Revision to Certificate of Compliance No. 9302 for the Model No. NUHOMS®-MP197 Packaging, Docket No. 71-9302

In accordance with 10 CFR 71.31(b), Transnuclear, Inc. (TN) herewith submits its application to revise Certificate of Compliance (CoC) 9302 for the NUHOMS®-MP197 packaging (MP197). This application proposes to add a modified version of the MP197, designated the model number NUHOMS®-MP197TAD TO (MP197TAD TO). The MP197TAD TO will be utilized for the off-site transport of a NUHOMS® TN44B Dry Shielded Canister (DSC) with dry irradiated fuel. Transnuclear, Inc. has contracted with the United States Department of Energy (DOE) to obtain licensing of the NUHOMS®-MP197TAD TO.

On April 14, 2009, TN submitted an application to revise CoC 9302. That application proposed to add a modified version of the MP197, designated the MP197HB, and included various NUHOMS® dry shielded canisters as authorized payloads in the MP197HB transport package. That application also proposed to update the design in order to be assigned a package identification number of B(U)F-96. The application included herein, and the April 14, 2009 application are independent applications.

Enclosure 2 provides a brief description of, and justification for, the changes and discusses the evaluation of the requested changes, including lists of changed or new CoC and SAR pages. Enclosure 3 provides suggested changes to CoC 9302, using an electronic mark-up for Revision 4 changes, shown on the hand-marked-up CoC provided to the staff for the application for CoC Revision 3. Due to the volume of that previous mark-up, only the pages involving CoC Revision 4 are included.

Enclosure 4 provides changed and new pages for the MP197 SAR, Revision 7. Changed areas on existing pages are indicated by italicized text and revision bars. Because Appendix B to the SAR is entirely new, the text is shown normally.

Additional information is provided in order to facilitate the staff's review of this application. Computer input and output files for various analyses are listed in Enclosure 6 and provided in Enclosure 7.

This submittal includes proprietary information which may not be used for any purpose other than NRC staff review of the application. In accordance with 10 CFR 2.390, I am providing an affidavit (Enclosure 1) specifically requesting that NRC withhold this proprietary information from public disclosure. Accordingly, Enclosure 5 provides non-proprietary versions of certain SAR

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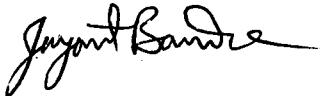
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sections. Enclosure 7 provides a compact disk which is entirely proprietary; therefore no non-proprietary version is included. This submittal also includes security-related information. Accordingly, Enclosure 5 provides public versions of the SAR Appendix B drawings.

The TN contract with DOE identifies a milestone for the SAR to be docketed on or before December 18, 2009 and NRC approval of this amendment on or before December 30, 2011. Accordingly, TN requests that the staff assign a priority for review of this application consistent with that timing.

Should the NRC staff require additional information to support review of this application, please do not hesitate to contact Mr. Don Shaw at 410-910-6878 or me at 410-910-6881.

Sincerely,



Jayant Bondre, PhD
Vice President - Engineering

cc: Christopher Staab (NRC SFST) (six copies of this cover letter and Enclosures 1 to 4, plus one copy of Enclosures 6 and 7)

Enclosures:

1. Affidavit Pursuant to 10 CFR 2.390
2. Description, Justification, and Evaluation of the Changes
3. Suggested Changes to Certificate of Compliance 9302
4. Changes to the NUHOMS[®] MP197 Transport Packaging Safety Analysis Report
5. Non-proprietary Versions of SAR Cover Sheet, SAR Appendix B Drawings, SAR Appendix B.2.13.11, and SAR Chapters B.3, B.5, and B6
6. Listing of Disk Numbering and Contents for Computer Files
7. One electronic copy of each computer input and output files disk listed in Enclosure 6 (Proprietary)

**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 a Vice President of Transnuclear, Inc., duly authorized to execute 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 Enclosures 4 and 7 and as listed below:

1) Safety Analysis Report (SAR) Drawings, as follows:

- | | |
|---------------------|---------------------|
| TNTAD-TO-71-1 Rev 0 | TNTAD-TO-71-8 Rev 0 |
| TNTAD-TO-71-2 Rev 0 | TNTAD-TO-71-9 Rev 0 |
| TNTAD-TO-71-3 Rev 0 | NUH44B-71-1 Rev 0 |
| TNTAD-TO-71-4 Rev 0 | NUH44B-71-2 Rev 0 |
| TNTAD-TO-71-5 Rev 0 | NUH44B-71-3 Rev 0 |
| TNTAD-TO-71-6 Rev 0 | NUH44B-71-10 Rev 0 |
| TNTAD-TO-71-7 Rev 0 | NUH44B-71-11 Rev 0 |

- 2) SAR Appendix B.2.13.11
- 3) Portions of SAR Chapter B.3
- 4) Portions of SAR Chapter B.5
- 5) Portions of SAR Chapter B.6
- 6) Computer input and output files

These documents have been appropriately designated as proprietary.

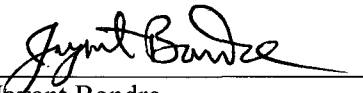
I have personal knowledge of the criteria and procedures utilized by Transnuclear, Inc. in designating information as a proprietary trade secret, privileged or as confidential commercial or financial information.

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 documents, should be withheld.

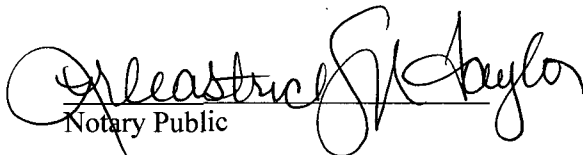
- 1) The information sought to be withheld from public disclosure involves certain safety analysis report drawings, analyses, and computer analysis input and output files, related to the analysis of the TNTAD transportation packaging, all of which are owned and have been held in confidence by Transnuclear, 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. and to other owners of the information because:
 - a) A similar product is manufactured and sold by competitors of Transnuclear, Inc.
 - b) Development of this information by Transnuclear, Inc. and other owners of the information 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 transportation 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 certain safety analysis report drawings, analyses, and computer analysis input and output files, related to the design and analysis of spent fuel transportation systems, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to unfairly get a better competitive position with Transnuclear, Inc., take marketing or other actions to improve their product's position or impair the position of Transnuclear, Inc.'s product, while avoiding the expense of 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.


Jayant Bondre
Vice President, Transnuclear, Inc.

Subscribed and sworn to me before this 11th day of September, 2009.


Notary Public

My Commission Expires 10/14/2012

