

April 15, 2011

Mr. Jayant Bondre
Vice President
Transnuclear, Inc.
7135 Minstrel Way, Suite 300
Columbia, MD 21045

SUBJECT: TRANSNUCLEAR, INC., REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (TAC NO. L24475)

Dear Mr. Bondre:

By letter dated March 9, 2011, Constellation Energy submitted an affidavit dated July 15, 1991, executed by William J. McConaghy, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2 Section 2.390:

1. Approved Topical Report for the NUTECH Horizontal Modular Storage (NUHOMS[®]) System for Irradiated Nuclear Fuel; NUH-002, Revision 2A, Proprietary Information.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure are designed drawings and descriptions of the design and analysis of a concrete modular storage system, which are owned and has been held in confidence by Pacific Nuclear Fuel Services.
2. The information is of a type customarily held in confidence by Pacific Nuclear Fuel services and not customarily disclosed, to the public. Pacific Nuclear Fuel Services 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 2.790 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 Pacific Nuclear Fuel Services because:
 - a. A similar product is manufactured and, sold by competitors of Pacific Nuclear Fuel Services.

- b. Development of this information by Pacific Nuclear Fuel Services required thousands of man-hour and hundreds of thousands of dollars. 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 description of the design and analysis of a dry 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 Pacific Nuclear Fuel Services, take marketing or other actions to improve their product's position or impair the position of Pacific Nuclear Fuel Services' product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- f. In pricing Pacific Nuclear Fuel Services' products and services, significant research, development, engineering, analytical, licensing, quality assurance, and other costs and expenses must be included. The ability of Pacific Nuclear Fuel Services' competitors to utilize such information without similar expenditures of resources may enable them to sell at prices reflecting significantly lower cost

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand 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 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.

J. Bondre

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If you have any questions regarding this matter, I may be reached at 301-492-3325.

Sincerely,

/RA/

John M. Goshen, P.E., Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-8
TAC No.: L24475

cc: Mr. George H. Gellrich, Calvert Cliffs
Nuclear Power Plant, Inc.

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Nuclear Power Plant, Inc.

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