

November 15, 2012

Mr. Paul Triska
Vice President
Transnuclear Inc.
7135 Minstrel Way, Suite 300
Columbia, MD 21045

SUBJECT: TRANSNUCLEAR, INC. REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (TAC NO. L24666)

Dear Mr. Triska:

By letter dated October 24, 2012, Northern States Power Company submitted an affidavit, executed by you, on behalf of Transnuclear, Inc. 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:

RESPONSES TO REQUEST FOR SUPPLEMENTAL INFORMATION – LICENSE
AMENDMENT REQUEST (LAR) TO REVISE THE THERMAL CONDUCTANCE
REQUIREMENT FOR NEUTRON ABSORBERS AND ALUMINUM PLATES IN THE TN-
40HT CASK

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 certain computer files associated with the TN-40HT spent fuel storage cask 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) Public disclosure of the information is likely to cause substantial harm to the competitive position of Transnuclear, Inc. because the information consists of descriptions of the design 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.

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 U.S. Nuclear Regulatory Commission (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.

If you have any questions regarding this matter, I may be reached at 301-492-3148.

Sincerely,

/RA/

Chris Allen, Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-10

TAC No.: L24666

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