



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 28, 2019

Mr. Don Shaw, Licensing Manager
TN Americas LLC
7135 Minstrel Way
Columbia, MD 21045

SUBJECT: APPROVAL OF REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE

Dear Mr. Shaw:

By letter dated February 4, 2019 (see Agencywide Documents Access and Management System (ADAMS) Accession No. ML19035A685), you submitted an affidavit dated February 4, 2019, requesting that the information contained in the proprietary slides in Enclosure No. 3 to your letter for the partially closed meeting held on March 5, 2019, to discuss the proposed design for the Model No. TN Eagle transportation package be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390.

A non-proprietary copy of this document was placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room.

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

- The information sought to be withheld from public disclosure involves descriptions of the design of a 10 CFR Part 71 transportation packaging for radioactive material, related to the design of the TN Eagle, which are owned and have been held in confidence by TN Americas LLC.
- The information is of a type customarily held in confidence by TN Americas LLC, and not customarily disclosed to the public.
- Public disclosure of the information is likely to cause substantial harm to the competitive position of TN Americas LLC, because the information consists of descriptions of the design of a 10 CFR Part 71 transportation packaging for radioactive material, 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 TN Americas LLC, take marketing or other actions to improve their product's position or impair the position of TN Americas LLC's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

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 version(s) of 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.

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 of the date of public disclosure, in advance which will be a reasonable time thereafter.

If you have any questions regarding this matter, you may contact me at 301-415-6577.

Sincerely,

/RA/

Bernard H. White IV, Senior Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9382
EPID No. L-2019-LRM-0005

SUBJECT: APPROVAL OF REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, DOCUMENT DATED: August 28, 2019

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ADAMS Accession No.: ML19238A221

***via email**

OFFICE	NMSS/DSFM	NMSS/DSFM	NMSS/DSFM
NAME	BWhite	WWheatley *via email	JMcKirgan
DATE	6/17/19	6/17/19	8/28/19

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