

May 3, 2002

Mr. U. B. Chopra  
Licensing Manager  
Transnuclear Inc.  
39300 Civic Center Drive, Suite 280  
Fremont, CA 94538-2324

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23343)

Dear Mr. Chopra:

By letter dated August 28, 2001, Transnuclear West Inc. (TN West) submitted supplemental thermal calculations and supporting ANSYS input files for proposed Amendment No. 5 to the NUHOMS® Certificate of Compliance No. 1004. On this submittal, TN West included information considered proprietary and requested to withhold it from public disclosure pursuant to 10 CFR 2.790.

The TN West submittal included an affidavit executed by Robert M. Grenier, on August 27, 2001, that requested the following ANSYS input files and spreadsheets enclosed in this submittal to be withheld from public disclosure pursuant to 10 CFR 2.790:

1. 32p\_Blk\_Vent\_Conv.xls
2. BL\_Vent\_Conv\_32PT.txt
3. Sd32\_blk\_alt\_it2.txt
4. Sd32pt\_vac.txt
5. Sd32\_stor1r.txt

The affidavit states that the information listed above should be withheld from public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure consists of design drawings and calculations of the NUHOMS® Cask, which is owned and has been held in confidence by TN West.
- (2) The information is of a type customarily held in confidence by TN West and not customarily disclosed to the public. Transnuclear West 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 2.790 with the understanding that it is to be received in confidence by the Commission.

- (4) The information, to the best of your knowledge, 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 this information is likely to cause substantial harm to TN West's competitive position.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that this information should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the U. S. Nuclear Regulatory Commission's (NRC's) policy to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised of the basis for and effects of licensing and rulemaking actions.

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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld 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.

Sincerely,

**/RA/**

E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1004  
TAC No. L23343

- (4) The information, to the best of your knowledge, 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.
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Sincerely,

/RA/

E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
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