

February 2, 2006

Mr. U. B. Chopra  
Licensing Manager  
Transnuclear Inc.  
7135 Minstrel Way, Suite 300  
Columbia, MD 21045

SUBJECT: NRC APPROVAL OF TRANSNUCLEAR, INC. REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Chopra:

By letter dated March 23, 2005, Transnuclear Inc. (TN) submitted Revision 1 of the Final Safety Analysis Report (FSAR) for the Advanced NUHOMS® System. The March 23, 2005, submittal contained proprietary and non-proprietary versions of the proposed change pages to the Advanced NUHOMS® System FSAR. The non-proprietary version of the submittal has been made available electronically for public inspection in the U.S. Nuclear Regulatory Commission's (NRC) Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). TN requested that the proprietary version of the application be withheld from public disclosure pursuant to 10 CFR 2.390.

The letter dated March 23, 2005, included an affidavit executed by Mr. William D. Gallo on March 22, 2005, that requested Enclosure 3 of the submittal to be withheld from public disclosure, pursuant to 10 CFR 2.390. Specifically, the information requested to be withheld from public disclosure in this attachment is identified below:

1. Drawing NUH-05-4010, Revision 4
2. Drawing NUH-03-4011, Revision 3

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

- (3) A similar product is manufactured and sold by competitors of TN.
- (4) Development of this information required a significant investment of labor and money. A competitor would have to undergo similar expense in order to generate equivalent information.
- (5) 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.
- (6) The information consists of description of the design and analysis of a dry spent fuel storage and transportation 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 TN's products.

- (7) In pricing TN's products and services, significant research, development, engineering, and other costs and expenses must be considered. The ability of TN's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

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 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. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

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. You should also 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 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.

If you have any questions regarding this matter, I may be reached at (301) 415-8500.

Sincerely,

*/RA/*

José R. Cuadrado, Project Engineer  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1029

economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with TN's products.

- (5) In pricing TN's products and services, significant research, development, engineering, and other costs and expenses must be considered. The ability of TN's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

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José R. Cuadrado, Project Engineer  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1029

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