

From: "BONDRE Jayant" <jayant.bondre@transnuclear.com>
To: "Meraj Rahimi" <MXR2@nrc.gov>
Date: 3/31/06 12:19PM
Subject: RE: Meeting on TN-40

Mr. Rahimi,

The attached file is the affidavit for the proprietary part of the TN-40 meeting. Please let me know if you need any thing more from us before the meeting. I will send you a list of the TN and our customer participants a week before the meeting.

Regards

Jayant Bondre
Transnuclear Inc.
410-910-6881

-----Original Message-----

From: Meraj Rahimi [mailto:MXR2@nrc.gov]
Sent: Wednesday, March 29, 2006 4:18 PM
To: BONDRE Jayant
Cc: Robert Nelson
Subject: Meeting on TN-40

Mr. Bondre

As I indicated during our telephone conversation, Transnuclear needs to submit an affidavit if it wishes the Burnup Credit meeting, on which you and I agreed for April 19, 2006 tentatively, to be closed to the public. Since this meeting will be a precicensing meeting on a potential application which we have never made a proprietary determination, we need to receive an affidavit accompanied with the content of the materials to be discussed at the meeting in order for the staff to determine if portions of the meeting should be indeed closed to the public.

Please be advised that in addition to the time needed by the staff in receiving the meeting materials and making the proprietary determination, a ten-day advance notice for meetings is also required. Therefore, the agreed tentative meeting date will be assessed after receiving the necessary materials.

thanks,

Meraj Rahimi
Senior Project Manager
U.S. Nuclear Regulatory Commission
Spent Fuel Project Office
Spent Fuel Licensing Section
Tel. 301-415-2947
Fax 301-415-8555
Email MXR2@NRC.GOV

Mail Envelope Properties (442D6496.C94 : 5 : 27796)

Subject: RE: Meeting on TN-40
Creation Date: 3/31/06 12:18PM
From: "BONDRE Jayant" <jayant.bondre@transnuclear.com>

Created By: jayant.bondre@transnuclear.com

Recipients

nrc.gov

twf4_po.TWFN_DO

MXR2 (Meraj Rahimi)

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TWGWPO01.HQGWDO01

RAN CC (Robert Nelson)

Post Office

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Files

MESSAGE

TN40 Meeting Affidavit.pdf

Mime.822

Size

1559

1348887

1849597

Date & Time

03/31/06 12:18PM

Options

Expiration Date:

None

Priority:

Standard

Reply Requested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

AFFIDAVIT PURSUANT
TO 10 CFR 2.390

Transnuclear, Inc.)
State of Maryland) SS.
County of Howard)

I, Jayant Bondre, depose and say that I am the Director Of Engineering and Licensing of Transnuclear, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.390 of the Commission's regulations for withholding this information.

The information for which proprietary treatment is sought is listed below:

Transnuclear, Inc., is requesting a meeting with the NRC Staff to discuss our criticality analysis approach for submitting an application for transportation of TN-40 dry storage casks under 10 CFR 71. TN wants to present the criticality analysis using burnup credit/moderator exclusion approach to the NRC Staff.

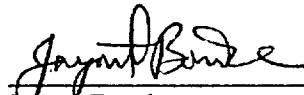
I have personal knowledge of the criteria and procedures utilized by Transnuclear, Inc. in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld.

- 1) The information sought to be withheld from public disclosure are the supporting criticality analyses of the Transnuclear's TN-40 cask using burnup credit/moderator exclusion approach which is owned and has 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) The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.390 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 Transnuclear, Inc. because:
 - a) A similar product is manufactured and sold by competitors of Transnuclear, Inc.

- b) Development of this information by Transnuclear, Inc. required expenditure of considerable resources. 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 and transportation 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 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 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 and analyses in support of their processes, methods or apparatus.
- f) In pricing Transnuclear, Inc.'s products and services, significant research, development, engineering, analytical, licensing, quality assurance and other costs and expenses must be included. The ability of Transnuclear, Inc.'s competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

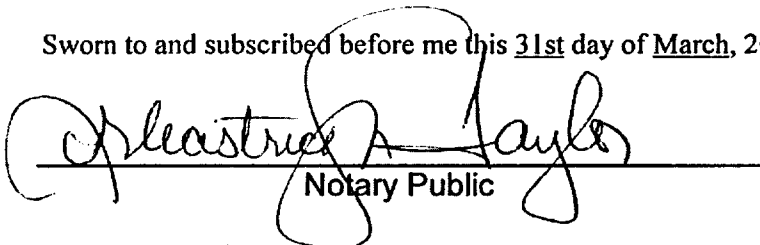
Further the deponent sayeth not.



Jayant Bondre

Director of Engineering and Licensing, Transnuclear, Inc.

Sworn to and subscribed before me this 31st day of March, 2006.



Notary Public

My Commission Expires 10 / 14 / 2008

