

August 24, 2007

Robert Grubb, Senior Vice President - Engineering  
Transnuclear, Inc.  
7135 Minstrel Way, Suite 300  
Columbia, MD 21045

SUBJECT: RECEIPT OF APPLICATION - ACKNOWLEDGEMENT LETTER

- References:
1. Letter from Robert Grubb (TN) to Document Control Desk (NRC), "Transnuclear, Inc. (TN) Application of the TN-40 Transport Packaging for Spent Fuel, Revision 1, Docket No. 71-9313, TAC No. L24001," dated June 29, 2007
  2. Letter from Meraj Rahimi (NRC) to Jayant Bondre (TN), "Receipt of Application - Acknowledgement Letter," dated November 8, 2006
  3. Letter from Jayant Bondre (TN) to Joseph Sebrosky (NRC), "Transnuclear, Inc. (TN) Application of the TN-40 Transportation Packaging for Spent Fuel," dated August 7, 2006

Dear Mr. Grubb:

By letter dated June 29, 2007 (Reference #1), Transnuclear (TN) submitted the remaining parts of the application for the TN-40 transportation application which had been submitted previously (Reference #3). In the previous submittal, the staff had found the application incomplete, due to absence of the 1/3-scale test results, and had notified the TN about its findings in its November 8, 2006, letter (Reference #2).

This letter acknowledges receipt of the 1/3-scale test results and informs you that the application appears to contain the necessary information to begin our technical review. However, in order to continue our technical review, the staff needs the computer inputs for the ANSYS model and the related calculation packages for the thermal analyses. We have established a schedule for the technical review of your application. The schedule allows for the staff to issue a request for additional information (RAI) by February 2008 if needed. If no RAI is needed, and based on the staff's evaluation, the Certificate of Compliance (CoC) may be issued at approximately that time. However, if additional rounds of RAIs are needed, the schedule for issuing the CoC will be revised accordingly.

With your letter, you also submitted an affidavit dated June 29, 2007, in which you requested the information contained in the following document be withheld from public disclosure pursuant to 10 CFR Part 2, Section 2.390:

*Replacement pages for Chapter 6, TN-40 Transport Packaging Criticality Evaluation, specifically, Section 6.3 Model Specification and Section 6.4 Criticality Calculations, including pertinent tables and figures.*

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

*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. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.*

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 above portions of your application 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 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, I can be reached at 301-492-3338.

Sincerely,

/RA/

Meraj Rahimi, Senior Project Manager  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 71-9313  
TAC No. L24106

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

*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. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.*

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If you have any questions regarding this matter, I can be reached at 301-492-3338.

Sincerely,

/RA/

Meraj Rahimi, Senior Project Manager  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
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and Safeguards

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