



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001  
July 27, 2015

Mr. Richard W. Boyle, Chief  
Sciences Branch  
Division of Engineering and Research  
Office of Hazardous Materials Safety  
U.S. Department of Transportation  
1200 New Jersey Ave., S.E.  
Washington, D.C. 20590

SUBJECT: REVIEW OF DEPARTMENT OF TRANSPORTATION'S SUBMITTAL FOR  
REVALIDATION OF THE GERMAN COMPETENT AUTHORITY CERTIFICATE  
OF APPROVAL NO. D/4365/AF-96, REVISION 2, MODEL NO. ANF-50 -  
WITHHOLDING OF INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Boyle:

By letter dated May 7, 2015, you requested the NRC staff to review the German Certificate of Approval No. D/4365/AF-96, Revision 2, for the Model No. ANF-50 package and make a recommendation for revalidating the package for use in the United States. This request included an affidavit from AREVA Inc., dated April 15, 2015, seeking to withhold information from public disclosure contained in the following document pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

Drawing No. AD-003759-001-009, Enclosure 4, of the Advanced Nuclear Fuels GmbH Safety Analysis Report (SAR), Revision 11, for the Model No. ANF-50 Transportation Package

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

- Information involves a SAR drawing related to the design of the Model No. ANF-50 transportation package obtained by AREVA, Inc., under a "proprietary agreement;"
- Information includes items that are provided in "confidence" to AREVA, Inc.; and
- Information, if used by a competitor, would cause "substantial" harm to AREVA, Inc., by reducing its competitors' expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

We reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of AREVA, Inc.'s, 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 301-415-6999.

Sincerely,

**/RA/**

Norma Garcia Santos, Project Manager  
Spent Fuel Licensing Branch  
Division of Spent Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 71-3080  
TAC No. L25016

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Determination.docx

**ADAMS Accession No.: ML15209A460**

<b>OFC</b>	NMSS/SFM	NMSS/SFM	NMSS/SFM
<b>NAME</b>	NGarcia	MDeBose	MSampson
<b>DATE</b>	7/22/2015	7/22/15	7/27/15

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