

May 30, 2008

Mr. Michael D. Wadley
Site Vice President
Prairie Island Nuclear Generating Plant
Nuclear Management Company, LLC
1717 Wakonade Drive East
Welch, MN 55089

SUBJECT: NRC DETERMINATION OF NUCLEAR MANAGEMENT COMPANY,
LLC's REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (TAC NO. L24203)

Dear Mr. Wadley:

This letter is in response to Transnuclear, Inc.'s affidavit dated March 20, 2008. This affidavit was submitted with your application dated March 28, 2008, to amend Special Nuclear Material License No. 2506 and the license Technical Specifications for the Prairie Island independent spent fuel storage installation in accordance with 10 CFR Part 72. This application contained both proprietary (Attachment 6 to Enclosure 3 and associated computer files (Enclosure 4)) and nonproprietary (Enclosure 5) versions of the safety analysis report (SAR) Addendum A. An electronic copy of Nuclear Management Company, LLC's (NMC) nonproprietary application has been added to the U.S. Nuclear Regulatory Commission's (NRC) Public Document Room and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS accession No. ML081400652.

The affidavit, executed by Robert Grubb, Senior Vice President of Transnuclear, Inc., requested the following portions of the SAR and associated computer files of the proprietary version of the application be withheld from public disclosure:

- 1) Portions of SAR Section A1.5, SAR Drawings TN40HT-72 series, as follows:
 - a) Transnuclear Drawing TN40HT-72-1, Revision 0
 - b) Transnuclear Drawing TN40HT-72-2, Revision 0
 - c) Transnuclear Drawing TN40HT-72-3, Revision 0
 - d) Transnuclear Drawing TN40HT-72-4, Revision 0
 - e) Transnuclear Drawing TN40HT-72-5, Revision 0
 - f) Transnuclear Drawing TN40HT-72-6, Revision 0
 - g) Transnuclear Drawing TN40HT-72-7, Revision 0
 - h) Transnuclear Drawing TN40HT-72-8, Revision 0
 - i) Transnuclear Drawing TN40HT-72-9, Revision 0
 - j) Transnuclear Drawing TN40HT-72-10, Revision 0
 - k) Transnuclear Drawing TN40HT-72-21, Revision 1
 - l) Transnuclear Drawing TN40HT-72-22, Revision 0

- 2) Portions of SAR Section A3.3.2.2.8, "Heat Generation Rate as a Function of Spent Fuel Parameters."

- 3) SAR Appendix A3A, "TN-40HT Criticality Evaluation Computer Input."
- 4) SAR Section A4.2.3.8, "Analysis of Fuel Cladding under Accident Condition Impact Loading," plus Tables A4.2-25 through -29 and Figures A4.2-5 through -12.
- 5) Portions of SAR Section A4B. 1.5.6, "Evaluation of Basket Aluminum Components for Long Term Storage Deadweight," plus Figure A4B. 1-1.
- 6) Portions of SAR Appendix A7B, "TN-40HT Shielding Evaluation Computer Input."
- 7) Computer analysis input and output files associated with Transnuclear's analysis of the TN-40HT cask.

The affidavit states that the specified portions of the proprietary version of the application should be withheld from public disclosure for the following reasons:

- 1) The information sought to be withheld from public disclosure are portions of certain TN-40HT spent fuel storage cask design drawings and analyses, plus certain computer files associated with those analyses, which are owned and have 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 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 descriptions of the design and analysis of dry spent fuel storage systems, the application of which provide 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.

We have reviewed the affidavit and your application in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements presented and consideration of the information provided in your nonproprietary submittal, have determined that the submitted information that you seek to be withheld contains proprietary commercial information with the following exceptions.

With respect to the SAR Drawings TN40HT-72 series referenced in item 1 above, we have concluded that you have not marked the information claimed as proprietary in accordance with the requirements of 10 CFR 2.390(b)(1)(i). Specifically, the basis (e.g., trade secret) for proposing that the information be withheld from public disclosure is not annotated on each drawing. In addition, item 1(j) (Transnuclear Drawing TN40HT-72-10, Revision 0) and sheets 2 and 4 of seven from item 1(k) (Transnuclear Drawing TN40HT-72-21, Revision 1) appear to contain drawings identical to their nonproprietary counterpart. As indicated above, the nonproprietary drawings have already been disclosed to the public.

With respect to SAR section A4.2.3.8.3, "Material Properties of Fuel Cladding", we have found this information to be publicly available in the works of authors Geelhood and Beyer (KJ Geelhood, and CE Beyers, "PNNL Stress Strain Correlation for Zircaloy", draft May 2005). Withholding such information can not be justified.

The NRC is providing you with the opportunity to revise your request to provide additional markings and/or justification for the previously described drawings and SAR section A4.2.3.8.3. Provide any additional markings and/or justification no later than 30 calendar days from the date of this letter for NRC consideration. If we do not hear from NMC within this timeframe, the staff will release the information. The staff cannot return any portion of the document in question, because the NRC needs to retain the information in the document to make official licensing decisions for your March 28, 2008, license amendment request as stated above.

Therefore, the aforementioned portions of Attachment 6 to Enclosure 3, with exceptions noted, and Enclosure 4 of your application dated March 28, 2008, 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, you may contact me at (301) 492-3335.

Sincerely,

/RA/

Ronald A. Burrows, Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-10
TAC No. L24203

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Ronald A. Burrows, Project Manager
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