

August 11, 2009

Mr. Steve Redeker
Manager, Plant Closure and Decommissioning
Sacramento Municipal Utility District
P.O. Box 15830
Sacramento, CA 95852-1830

SUBJECT: NRC APPROVAL OF SACRAMENTO MUNICIPAL UTILITY DISTRICT
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR RANCHO SECO TAC NO. L24293

Dear Mr. Redeker:

By letter dated July 29, 2009, Sacramento Municipal Utility District (SMUD) submitted an affidavit dated May 7, 2009, executed by Robert Grubb, Chief Operating Officer of Transnuclear, Inc., requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Part 2, Section 2.390:

1. Transnuclear, Inc. Calculation No. 13302-0403, "Transient Thermal Analysis of FO/FC Canister during Vacuum Drying," Revision 0, January 15, 2008,
2. Transnuclear, Inc. Calculation No. 13302.0404, "Thermal Evaluation of FC DSC Loaded with Damaged Fuel Assemblies," Revision 0, March 20, 2008,
3. Transnuclear, Inc. Calculation No. 13302-0600, "Rancho Seco NUHOMS[®]-24P Criticality Analysis – Damaged Fuel Evaluation for As Loaded FO- and FC- DSCs," Revision 1, September 19, 2008.

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

1. The information sought to be withheld from public disclosure involves certain thermal and criticality analyses of spent fuel storage dry shielded canister designs, 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, to the best of Transnuclear, Inc.'s 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.
4. 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. 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.

- c. 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.
- d. The information involves 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.
- e. 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 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 documents identified above, 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 may be reached at 301-492-3284.

Sincerely,

/RA/

Shana R. Helton, Senior Project Manager
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-11
TAC No.: L24293

cc: Mailing List

- c. The information required significant effort and expense to obtain the licensing expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.
- d. The information involves 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.
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Shana R. Helton, Senior Project Manager
Division of Spent Fuel Storage and Transportation
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Docket 72-11

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