

October 5, 2000

Mr. Thomas C. Thompson, Director
Licensing & Competitive Assessment
NAC International, Inc.
655 Engineering Drive
Norcross, GA 30092

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Thompson:

By letter dated July 27, 2000, NAC International, Inc. (NAC) submitted responses to the Nuclear Regulatory Commission's (NRC's) request for additional information (RAI-2) to support its application for an amendment to the certificate of compliance for the Model No. NAC-UMS Universal Storage System. Enclosed with the July 27, 2000, submittal was NAC's calculation package, "Transfer Cask Transient Thermal Analysis," Calculation EA790-3405, Revision 5."

With the letter, NAC submitted an affidavit signed by Willington J. Lee dated July 27, 2000. In the affidavit, Mr. Lee states that the above calculation should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- (a) The information has been held in confidence and is the result of design calculations, component design details, and critical dimensions that were developed by NAC. The information is customarily held in confidence by NAC based on the significant commercial investment expended in its development;
- (b) The information is not available in public sources, and NAC is transmitting it to the NRC in confidence; and
- (c) The public disclosure of the information would cause substantial harm to the competitive position of NAC or nuclear fuel vendors. Competitors seeking to develop similar calculations and component designs would have to expend similar amounts of time, engineering labor, and money in its development.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. Withholding from public disclosure shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

T. Thompson

-2-

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,
/S/ /RA/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No: 72-1015

T. Thompson

-2-

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,
/S/ /RA/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No: 72-1015

DISTRIBUTION:

Docket NRC File Center PUBLIC NMSS R/F SFPO R/F
MWHodges EEaston NJensen, OGC

C:\7-27-00PRO.wpd

OFC	SFPO	C	SFPO		OGC		SFPO		SFPO		SFPO
NAME	TMcGinty		VTharpe		MSiemien		JRHall		SShankman		EWBrach
DATE	10/04/00		10/04/00		10/04/00		10/05/00		10/05/00		10/05/00

C = COVER HC = COVER & ENCLOSURE N = NO COPY E = E-MAIL
OFFICIAL RECORD COPY