

September 13, 2001

Mr. Thomas C. Thompson
Director, Licensing
Engineering & Design Services
NAC International
655 Engineering Drive
Norcross, GA 30092

SUBJECT: PUBLIC DISCLOSURE DETERMINATION FOR NAC HIGH BURNUP TOPICAL

Dear Mr. Thompson:

By letter dated July 25, 2001, NAC International (NAC) submitted an application for approval of a High Burnup Fuel Topical Report. The July 25, 2001, submittal contained a proprietary version of the topical report. By letter dated August 15, 2001, a non-proprietary version of the topical report was submitted, which will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

NAC's letter included an affidavit executed by Willington J. Lee, dated July 25, 2001, that requested the proprietary version of the topical be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavit states that the submitted information should be withheld from public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure consists of information contained within a report that is the result of a computer code that was developed by NAC. The information was held in confidence based on the significant commercial investment of time and money expended in its development.
- (2) The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
- (3) The information, to the best of your knowledge, is not available in public sources, and is claimed as trade secret and privileged information.
- (4) Public disclosure of this information is likely to cause substantial harm to NAC's competitive position. Others seeking to develop similar analysis would have to make similar investments to develop the information on their own as long as the information is not disclosed to the public.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and have determined that some of the information in your topical report contains proprietary commercial information. However, the staff has concluded that some of the information contained in the report should not be exempt from mandatory public disclosure and should be released and placed in the Public Document Room (PDR). The specific information

T. Thompson

-2-

September 13, 2001

that we believe should not be exempt from mandatory public disclosure is listed in the enclosure to this letter along with the reasons for our conclusions.

Therefore, we request that you resubmit a non-proprietary version of the topical report within 30 days of the date of this letter to allow for proper docketing pursuant to 10 CFR 2.790(b)(1)(i), or that you provide further justification of the proprietary nature of each of the items in the enclosure to this letter. Upon receipt of this information, we will proceed with our determination as to whether the NAC topical report should be withheld from public disclosure.

My staff would be available to discuss with you the specific requirements of 10 CFR 2.790. If you have any questions, please feel free to call me or Rebecca Karas of my staff at (301) 415-3711.

Sincerely,

/s/ by C. Miller for /RA/

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

Docket Nos. 72-1015
72-1025

TAC No. L23351

Enclosure: Proprietary Finding on
NAC Report 790-TR-001, Rev. 0

T. Thompson

-2-

September 13, 2001

that we believe should not be exempt from mandatory public disclosure is listed in the enclosure to this letter along with the reasons for our conclusions.

Therefore, we request that you resubmit a non-proprietary version of the topical report within 30 days of the date of this letter to allow for proper docketing pursuant to 10 CFR 2.790(b)(1)(i), or that you provide further justification of the proprietary nature of each of the items in the enclosure to this letter. Upon receipt of this information, we will proceed with our determination as to whether the NAC topical report should be withheld from public disclosure.

My staff would be available to discuss with you the specific requirements of 10 CFR 2.790. If you have any questions, please feel free to call me or Rebecca Karas of my staff at (301) 415-3711.

Sincerely,

/s/ by C.Miller for /RA/

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

Docket Nos. 72-1015
72-1025
TAC No. L23351

Enclosure: Proprietary Finding on
NAC Report 790-TR-001, Rev. 0

Distribution:

Dockets NRC File Center PUBLIC NMSS R/F SFPO R/F
NJensen

C:\Program Files\Adobe\Acrobat 4.0\PDF Output\proprietary2.wpd

OFC	SFPO	C	SFPO	C	OGC	C	SFPO	C	SFPO	C	SFPO	C
NAME	RKaras	EZiegler		MPSiemien		MDelligatti		CMiller		EWBrach		
DATE	9/4/01	9/5/01		9/6/01		9/7/01		9/13/01		9/13/01		

C = COVER

E = COVER & ENCLOSURE

N = NO COPY

OFFICIAL RECORD COPY

PROPRIETARY FINDING ON NAC TOPICAL REPORT
790-TR-001, REV. 0

- 1) Text (throughout): Footnote numbers within the descriptive text that refer to journals, papers, etc., that are publicly available.

(In places within the text where a footnote number is given, and refers back to a publicly available source, that footnote reference is not considered proprietary)

- 2) Text, figures and tables (throughout): Text excerpted from journals, papers, etc., that are publicly available.

(Excerpted figures, data, and citations from publicly available sources are not considered proprietary. Your analysis of the excerpted material may be proprietary.)

- 3) Executive summary (and all other occurrences of the same text): Limits and acceptance criteria given on pages 9 and 10.

(Limits and acceptance criteria are an integral part of the staff's technical review determination. As such, these will be reiterated in staff documents such as requests for additional information, a final safety evaluation report, etc. These must be made publicly available.)

- 4) Text (throughout): Text describing final conclusions integral to the technical outcome described in the report.

(Final conclusions drawn by the report, but not necessarily the technical or analytical calculations or methods that were used to develop those conclusions, are an integral part of the staff's technical review determination. As such, these will be reiterated in staff documents such as requests for additional information, a final safety evaluation report, etc. These must be made publicly available.)