

April 25, 2002

Mr. Thomas C. Thompson
Director of Licensing
Engineering & Design Services
NAC International, Inc.
3930 East Jones Bridge Road
Norcross, GA 30092

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23404)

Dear Mr. Thompson:

By letter dated March 13, 2002, NAC International, Inc. (NAC) submitted calculations to support its application for an amendment to the Certificate of Compliance for the Model No. NAC-UMS® Universal Storage System to incorporate Enhanced Design Features. The calculation packages are entitled:

1. "Effective Conductivity, Density and Specific Heat Calculation of UMS PWR Fuel and Fuel Tube," EA790-3006, Rev. 0
2. "Enhanced UMS BWR Fuel Region and Fuel Tubes Effective Thermal Properties," EA790-3007, Rev. 0
3. "Thermal Analyses of UMS Transfer Cask/Canister for PWR Fuel," EA790-3206, Rev. 3
4. "Transfer Cask Transient Analysis-Enhanced UMS BWR," EA790-3207, Rev. 1

Along with the calculation packages, NAC submitted an affidavit, signed by Willington J. Lee of your company and dated March 13, 2002. In the affidavit, Mr. Lee states that the above calculation packages should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

1. The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by NAC's competitors without license from NAC International constitutes a competitive economic advantage over other companies.
2. The information, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality or licensing of a similar product.
3. The information sought to be withheld is being transmitted to the Commission in confidence.
4. The information sought to be withheld, including that compiled from many sources, is of a sort customarily held in confidence by NAC, and is, in fact, so

held.

5. NAC has invested a significant amount of time and money in the research, development, engineering, and analytical costs to develop the information that is sought to be held as proprietary.
6. The public disclosure of the information would cause substantial harm to the competitive position of NAC. Competitors seeking to develop similar calculations and component designs would have to expend similar amounts of time, engineering labor, and money in their 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 Nuclear Regulatory Commission (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.

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,

/RA/

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

Docket No. 72-1015
TAC No. L23404

4. The information sought to be withheld, including that compiled from many sources, is of a sort customarily held in confidence by NAC, and is, in fact, so held.
5. NAC has invested a significant amount of time and money in the research, development, engineering, and analytical costs to develop the information that is sought to be held as proprietary.
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Sincerely,

/RA/

E. William Brach, Director
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