

May 3, 2002

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. 23409)

Dear Mr. Thompson:

By letter dated January 25, 2002, NAC International (NAC) submitted a request for an amendment to the Certificate of Compliance for the NAC-UMS® Universal Storage System to incorporate Advanced Design Features. The January 25, 2002, submittal contained a non-proprietary version of the Final Safety Analysis Report (FSAR) for the NAC-UMS® Universal Storage System, Amendment 2. The non-proprietary version of the report has been made 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/reading-rm/adams.html> (the Public Electronic Reading Room). Along with the non-proprietary version of the report, NAC submitted proprietary versions of applicable pages of the FSAR for the requested amendment to the Certificate of Compliance. Specifically, Section 4.4.7.2 and the associated figures and tables, contain information considered proprietary to NAC.

NAC's letter included an affidavit executed by Willington J. Lee, dated January 25, 2002, that requested to withhold the proposed changed pages of FSAR Section 4.4.7.2 and associated figures and tables, 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 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 reveals aspects of past, present, or future NAC International customer-funded development plans and programs of potential commercial value to NAC International.
4. The information discloses patentable subject matter for which it may be desirable to obtain patent protection.

On the basis of your submittal, our review of the proprietary information requested to be withheld from the report previously listed, and in light of the requirements of 10 CFR 2.790, we have determined that this information 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 inspection 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 if, for example, 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.

If you have any questions, please feel free to call me or Steven Baggett of my staff at (301) 415-8500.

Sincerely,

/RA/

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

Docket No. 72-1015
TAC No. L23409

T. Thompson

On the basis of your submittal, our review of the proprietary information requested to be withheld from the report previously listed, and in light of the requirements of 10 CFR 2.790, we have determined that this information 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.

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