

May 23, 2002

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION FOR NAC HIGH BURNUP TOPICAL
REPORT

Dear Mr. Thompson:

By letter dated July 25, 2001, NAC International (NAC) submitted an application for approval of a High Burnup Fuel Topical Report. Additional revised versions of that report were subsequently submitted. It was determined on January 11, 2002, that the information sought to be withheld in the most current version of the report at that time was proprietary commercial information.

A new revised proprietary version of the report was submitted on March 29, 2002. By letter dated April 5, 2002, a non-proprietary version of the revised topical report was submitted. The non-proprietary version of the revised topical report has been made available electronically for public inspection in the Nuclear Regulatory Commission (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).

NAC's letter dated March 29, 2002, included an affidavit executed by Willington J. Lee, dated March 29, 2002, that requested the proprietary version of NAC International Topical Report (Document No. 790-TR-001, Revision 2), to 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 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.

We have reviewed your revised proprietary and non-proprietary versions dated March 29, 2002, and April 5, 2002, respectively, and your affidavit dated March 29, 2002, in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the information in your topical report sought to be withheld is proprietary commercial information. Therefore, the version of the submitted information marked as proprietary will be withheld from

public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. 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 Nos. 72-1015
72-1025
TAC No. L23351

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