

71-9270



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August 12, 2002

U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

Attn: Document Control Desk

Subject: Submittal of NAC Responses to the NRC Revised Issues Related to the Review of the UMS® Universal Transport Cask Application

Docket No. 71-9270

- References:
1. Submittal of Supplemental Information for UMS® Universal Transport Cask Application, Revision UMST-02A, NAC International, January 31, 2002
  2. Submittal of Supplemental Information for the NAC-UMS® Universal Transport Cask Application, Revision UMST-02B, NAC International, March 13, 2002
  3. Issues Related to the Review of the Model No. NAC-UMS® Universal Transport Package, U.S. Nuclear Regulatory Commission (NRC), June 13, 2002 (draft) and July 12, 2002 (revised)

In accordance with Reference 3, NAC International (NAC) herewith submits eight copies of the Responses to the "Revised Issues Related to the Review of the Model No. NAC-UMS® Universal Transport Package".

This submittal includes the revised issues and NAC's responses to those issues presented in the standard NAC response format, followed by the associated NAC-UMS® Safety Analysis Report (SAR) changed pages, which are designated as Revision UMST-02C and include six revised license drawings. Note: The enclosed SAR changed pages are to be inserted as replacement or new additional pages, as applicable, into the existing NAC-UMS® SAR binders. The List of Effective Pages provided in this submittal can be used to ensure that the correct page revisions are incorporated in the SAR binders.

The Revision UMST-02C changed pages have been prepared in accordance with the following conventions:

- Revision indicators (shading and revision bars) are used to highlight changes. Shading indicates a revision from NAC-UMS® SAR, Revision 0, while a revision bar indicates a change in the SAR from a previous revision, subsequent to Revision 0.
- Revision bars also indicate text flow.
- The changed pages for this submittal are designated as Revision UMST-02C to provide a unique identification of the pages and changes.

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- All of the pages in the List of Effective Pages are designated Revision UMST-02C and no revision bars are used on those pages.

This submittal also includes a NAC Proprietary Information Calculation Package, EA790-3012, Revision 0, "Evaluation of Film Coefficient for UMS Transport Cask in the Horizontal Position." Three copies of the calculation package are provided in appropriately marked separate packaging. The required Proprietary Information Affidavit has been executed and is attached.

If you have any comments or questions, please contact me on my direct line at 678-328-1321.

Sincerely,

A handwritten signature in cursive script that reads 'T.C. Thompson'.

Thomas C. Thompson  
Director, Licensing  
Engineering & Design Services

Enclosures: 8 copies of NAC Responses to NRC Revised Issues and associated NAC-UMS<sup>®</sup> SAR changed pages, Revision UMST-02C  
3 copies of Calculation Package, EA790-3012, Revision 0

Attachments: Proprietary Information Affidavit

cc: Paul Plante (MY)  
Tom Williamson (MY)  
Brian Hansen (APS)  
Glenn Michael (APS)  
Don Gregoire (APS)  
David Jones (DE)  
Keith Waldrop (DE)

## NAC INTERNATIONAL AFFIDAVIT PURSUANT TO 10 CFR 2.790

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Craig Seaman (Affiant), Senior Vice President of NAC International, 3930 East Jones Bridge Road, Norcross, Georgia 30092, being duly sworn, deposes and says that:

1. Affiant has reviewed the information described in Item 2 and is personally familiar with the trade secrets and privileged information contained therein, and is authorized to request its withholding.
2. The information sought to be withheld is the following NAC International calculation package in support of the NAC-UMS<sup>®</sup> Universal Transport Cask submittal, which is being transmitted with NAC Letter No. ED20020530:
  - Calculation Package, EA790-3012, Revision 0, "Evaluation of Film Coefficient for UMS Transport Cask in a Horizontal Position."

NAC International is the owner of this information; the information is considered proprietary to NAC International.

3. NAC International makes this application for withholding of proprietary information based upon the exemption from disclosure set forth in: the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC Regulations 10 CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial financial information obtained from a person, and privileged or confidential" (Exemption 4). The information for which exemption from disclosure is here sought is all "confidential commercial information," and some portions may also qualify under the narrower definition of "trade secret," within the meaning assigned to those terms for purposes of FOIA Exemption 4.
4. Examples of categories of information that fit into the definition of proprietary information are:
  - a. Information which 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.
  - b. Information which, 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.

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- c. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of NAC International, its customers, or its suppliers.
- d. Information which reveals aspects of past, present or future NAC International customer-funded development plans and programs of potential commercial value to NAC International.
- e. Information that discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in Items 4a, 4b, and 4d.

- 5. The information sought to be withheld is being transmitted to the United States Nuclear Regulatory Commission (NRC) in confidence.
- 6. The information sought to be withheld, including that compiled from many sources, is of a sort customarily held in confidence by NAC International, and is, in fact, so held. This information has, to the best of my knowledge and belief, consistently been held in confidence by NAC International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in Items 7 and 8 following.
- 7. Initial approval of proprietary treatment of a document is made by the Project Manager and/or the Director of Licensing, the persons most likely to know the value and sensitivity of the information in relation to industry knowledge. Access to proprietary documents within NAC International is limited via "controlled distribution" to individuals on a "need to know" basis. The procedure for external release of NAC proprietary documents typically requires the approval of the Project Manager based on a review of the documents for technical content, competitive effect and accuracy of the proprietary designation. Disclosures of proprietary documents outside of NAC International are limited to regulatory agencies, customers and potential customers and their agents, suppliers, licensees and contractors with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.

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8. NAC International 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 withheld as proprietary. This information is considered to be proprietary because it contains detailed descriptions of analytical approaches, methodologies, technical data and evaluation results not available elsewhere. The precise value of the expertise required to develop the proprietary information is difficult to quantify, but it is clearly substantial.
9. Public disclosure of the information that is sought to be withheld is likely to cause substantial harm to the competitive position of NAC International, as the owner of the information, and reduce or eliminate the availability of profit-making opportunities. The proprietary information is part of NAC International's comprehensive spent fuel storage and transport technology base, and its commercial value extends beyond the original development cost to include the development of the expertise to determine and apply the appropriate evaluation process. The value of this proprietary information and the competitive advantage that it provides to NAC International would be lost if the information were disclosed to the public. Making such information available to other parties, including competitors, without their having to make similar investments of time, labor and money would provide competitors with an unfair advantage and deprive NAC International of the opportunity to seek an adequate return on its large investment.

**STATE OF GEORGIA, COUNTY OF GWINNETT**

Mr. Craig Seaman, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information and belief.

Executed at Norcross, Georgia, this 12th day of August 2002.

  
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Craig Seaman  
Senior Vice President  
NAC International

Subscribed and sworn before me this 12<sup>th</sup> day of August, 2002

Notary Public, Cobb County, Georgia  
My Commission Expires Nov. 4, 2003

  
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