

January 2, 2003

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 ENHANCED DESIGN
FEATURES REQUEST FOR ADDITIONAL INFORMATION**

Dear Mr. Thompson:

By letter dated November 27, 2002, NAC International (NAC) submitted to the Nuclear Regulatory Commission (NRC) a revised submittal and response to a request for additional information (RAI) for the NAC-UMS Universal Storage System to Incorporate Enhanced Design Features. The information, for which proprietary treatment is sought, is included in the November 27, 2002, RAI response for staff use during the application review process. An electronic copy of the non-proprietary portion of the submittal can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML023400601.

NAC's letter dated November 27, 2002, included an affidavit executed by Thomas A. Danner, dated November 27, 2002. The affidavit requested the proprietary NAC International Calculation Package EA790-3205, Rev. 5, "Thermal Analyses for UMS Transfer Cask/Canister for PWR Fuel," 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 proprietary calculation package and your affidavit, both dated November 27, 2002. In accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, we have determined that the calculation package sought to be withheld is proprietary commercial information. Therefore, the portion of the submittal marked as proprietary will 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.

Sincerely,

/s/ /RA/

L. Raynard Wharton, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 72-1015
TAC No. L23404

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Sincerely,

/s/ /RA/

L. Raynard Wharton, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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