

September 10, 2007

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

Attn: Document Control Desk

Subject: Submittal of NAC Proprietary Calculation in Support of NAC Response to Request for Additional Information for an Amendment for Certificate of Compliance No. 1015 for the NAC-UMS<sup>®</sup> Universal Storage System (TAC No. L24032), Docket No. 72-1015

- References:
1. Certificate of Compliance No. 1015 for the NAC International Universal Storage System (NAC-UMS<sup>®</sup>), U.S. Nuclear Regulatory Commission, Amendment 4, October 11, 2005
  2. Final Safety Analysis Report (FSAR) for the UMS<sup>®</sup> Universal Storage System, Revision 6, NAC International, November 2006
  3. Request for an Amendment of Certificate of Compliance (CoC) No. 1015 for the NAC-UMS<sup>®</sup> Universal Storage System to Incorporate High Burnup PWR Fuel as Approved Contents and Implement Changes to the Technical Specifications, NAC International, September 22, 2006
  4. Correction of Administrative Errors in Appendix A of Amendment 4 of Certificate of Compliance (CoC) No. 1015 for the NAC-UMS<sup>®</sup> Universal Storage System, NAC International, May 8, 2007
  5. Request for Additional Information for Review of an Amendment for the Certificate of Compliance No. 1015 for the NAC-UMS<sup>®</sup> Universal Storage System (Docket 72-1015), U.S. Nuclear Regulatory Commission, May 30, 2007
  6. Schedule for Responding to the RAI for the Review of the NAC-UMS<sup>®</sup> High Burnup Amendment Application, NAC International, June 19, 2007
  7. Response to Request for Additional Information for an Amendment for Certificate of Compliance No. 1015 for the NAC-UMS<sup>®</sup> Universal Storage System, NAC International, September 6, 2007

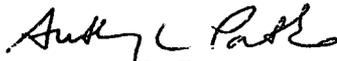
NAC International (NAC) herewith submits one copy of the NAC International proprietary calculation No. 71160-2025, Revision 1, titled "Fuel Assembly Structural Evaluation" in support of NAC response to RAI Questions 11-4, 11-5 and 11-6 of Reference 7. While this calculation was originally developed in support of the NAC-MAGNASTOR System application, Revision 1 of the calculation applies to high burnup fuel as addressed in Reference 3 for the NAC-UMS<sup>®</sup> Universal Storage System.

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The aforementioned calculation and the associated DVD containing the data input and output files are separately packaged in a sealed envelope labeled "NAC PROPRIETARY INFORMATION" for proper handling. The NAC Proprietary Information Affidavit pursuant to 10 CFR 2.390 is provided with this letter.

If you have any comments or questions, please contact me on my direct line at (678) 328-1274.

Sincerely,



Anthony L. Patko  
Director, Licensing  
Engineering

Enclosures

cc w/o enclosure: Glenn Michael (APS)  
Keith Waldrop (Duke)  
Jim Connell (MY)

**NAC INTERNATIONAL  
AFFIDAVIT PURSUANT TO 10 CFR 2.390**

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Thomas A. Danner (Affiant), Vice President, Engineering, of NAC International, hereinafter referred to as NAC, at 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 NAC Proprietary Information/calculation to be withheld is:
  - Calculation Number 71160-2025, Revision 1, “Fuel Assembly Structural Evaluation” and one DVD containing input and output files for Calculation Number 71160-2025, Revision 1

This calculation provides detailed structural stability analysis methods that have been developed by NAC and are being used for the NAC-UMS<sup>®</sup> System. Therefore, this information is proprietary to NAC.

3. NAC 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), 2.390(a)(4), and 2.390(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 herein sought is all “confidential commercial information,” and some portions may also qualify under the narrower definition of “trade secret,” within the meanings 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 that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors of NAC, without license from NAC, constitutes a competitive economic advantage over other companies.
  - b. Information that, 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.
  - c. Information that reveals cost or price information, production capacities, budget levels or commercial strategies of NAC, its customers, or its suppliers.
  - d. Information that reveals aspects of past, present or future NAC customer-funded development plans and programs of potential commercial value to NAC.

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- e. Information that discloses patentable subject matter for which it may be desirable to obtain patent protection.

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

5. The information to be withheld is being provided to the 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, and is, in fact, so held. This information has, to the best of my knowledge and belief, consistently been held in confidence by NAC. 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/information is made by the Vice President, Engineering, the Project Manager or the Director, 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 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 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.
8. 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 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.

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9. Public disclosure of the information to be withheld is likely to cause substantial harm to the competitive position of NAC, as the owner of the information, and reduce or eliminate the availability of profit-making opportunities. The proprietary information is part of NAC'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 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 of the opportunity to seek an adequate return on its large investment.

**STATE OF GEORGIA, COUNTY OF GWINNETT**

Mr. Thomas A. Danner, 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 10<sup>th</sup> day of September 2007.



Thomas A. Danner  
Vice President, Engineering  
NAC International

Subscribed and sworn before me this 10<sup>th</sup> day of September, 2007



Notary Public

