

September 30, 2008

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

Attn: Document Control Desk

Subject: Withdrawal of NAC Proprietary MOX Shielding Input Files Submitted with Responses to Request for Additional Information (RAI) on the Amendment Application for CoC No. 9225 for the NAC-LWT Cask to Incorporate PWR Mixed-Oxide (MOX) Fuel Rods as Authorized Contents (TAC L24181)

Docket No. 71-9225

- Reference:
1. Model No. NAC-LWT Package, U.S. Nuclear Regulatory Commission (NRC) Certificate of Compliance (CoC) No. 9225, Revision 48, July 2008
  2. Safety Analysis Report (SAR) for the NAC Legal Weight Truck Cask, Revision 38, NAC International, November 2007
  3. Submittal of a Request for an Amendment of Certificate of Compliance (CoC) No. 9225 for the NAC-LWT Cask to Incorporate PWR Mixed-Oxide (MOX) Fuel Rods as Authorized Contents, NAC International, January 25, 2008
  4. Request for Additional Information for Review of the Certificate of Compliance No. 9225, Revision for the Model No. NAC-LWT Package, NRC, July 15, 2008
  5. Responses to Request for Additional Information (RAI) on the Amendment Application for CoC No. 9225 for the NAC-LWT Cask to Incorporate PWR Mixed-Oxide (MOX) Fuel Rods as Authorized Contents, NAC International, August 20, 2008

NAC International (NAC) hereby withdraws the NAC Proprietary MOX shielding input files provided to the NRC with Reference 5.

Responses to two RAI questions (5-5 and 5-6) included submittal of NAC proprietary data input files for the MOX shielding analyses on electronic media. The CD containing the NAC proprietary information was included in a separate sealed envelope labeled "NAC PROPRIETARY Enclosure." Also enclosed was a Proprietary Information Affidavit executed by Thomas A. Danner, NAC Vice President, Engineering, in accordance with 10 CFR 2.390. The affidavit covered the MOX shielding data input files on CD media that was enclosed in Reference 5.



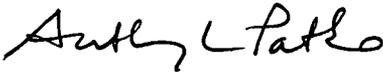
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Since the above-described NAC proprietary information was not used to make a determination for the acceptance of the PWR MOX fuel rods as approved contents for the NAC-LWT cask, NAC hereby withdraws the information and requests the NRC destroy the CD containing the NAC proprietary information and any copy thereof that may have been made by the NRC. The information is being withdrawn based on discussions with the NRC Project Manager.

Timely approval of the PWR MOX fuel rod contents will permit the transport of irradiated PWR MOX and PWR UO<sub>2</sub> fuel rods to receiving facilities for the completion of post-irradiation examinations (PIE) to evaluate the performance of PWR MOX fuel rods in commercial PWR reactor facilities. It is the intent of the PWR MOX fuel supplier (MOX Services) to complete the transport of the irradiated MOX rods as soon as possible after discharge from the reactor. Per the original amendment request (Reference 3), the PWR MOX fuel rods will be acceptable for loading and transport 90 days after reactor discharge, which would allow the initial group of PWR MOX fuel rods to be transported as soon as October 2008. In order to meet the earliest transport date and the current cask loading window, continued attention of the Agency for timely approval of the Amendment Request is essential.

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