

October 24, 2008

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

Attn: Document Control Desk  
Director, Division of Spent Fuel Storage and Transportation,  
Office of Nuclear Material Safety and Safeguards

Subject: NAC International Projected Licensing Activities 2008 – 2011  
NAC Proprietary Information

Dear Mr. Brach:

To assist SFST management in its resource planning for the upcoming years, NAC is providing a list of known and anticipated licensing activities requiring NRC action during the years 2008 – 2011.

Due to the forward looking and market positioning nature of the attached information, NAC requests it to be handled as NAC proprietary information. Enclosed is a Proprietary Information Affidavit executed by Craig K. Seaman, NAC Senior Vice President, Engineering and Projects, in accordance with 10 CFR 2.390. The affidavit describes the proprietary information requested to be withheld from public dissemination. As proprietary information, the list of projected licensing activities is enclosed in a separate sealed envelope marked "NAC PROPRIETARY INFORMATION."

Should you have any questions regarding the information provided with this letter, please contact me at my direct line 678-328-1274.

Sincerely,



Anthony L. Patko  
Director, Licensing  
Engineering

Enclosure

cc: Nader Mamish



*NM 5524*

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

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Craig K. Seaman (Affiant), Senior Vice President, Engineering and Projects, of NAC International Inc., hereinafter referred to as NAC, at 3930 East Jones Bridge Road, Suite 200, 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 privileged information contained therein, and is authorized to request its withholding.
2. The information to be withheld is as follows:
  - List of projected 2008-2011 licensing efforts (applications and amendments) to be prepared by NAC for its various Part 71 (transport) and Part 72 (storage) casks.

The above list includes details about projected Part 71 and Part 72 amendments that are confidential to NAC and reveal NAC business strategies, future NAC customer-funded development plans and programs of potential commercial value to NAC. Thus, the list identified above is considered NAC Proprietary Information.

3. NAC makes this application for withholding of proprietary information that is privileged or confidential 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.
  - e. Information that discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information that is sought to be withheld is considered to be NAC proprietary information for the reason set forth in Item 4d.

5. The information to be withheld is being transmitted to the NRC in confidence.

**NAC INTERNATIONAL  
AFFIDAVIT PURSUANT TO 10 CFR 2.390 (continued)**

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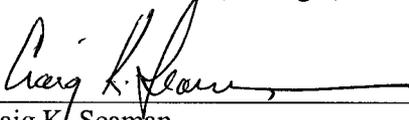
6. The information sought to be withheld is of a sort customarily held in confidence by NAC, and is, in fact, so held. This type of information has, to the best of my knowledge and belief, consistently been held in confidence by NAC. No public disclosure has been made, and it is not available in public 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 Item 7 following.
  
7. Initial approval of proprietary treatment of a document/information is made by the Senior Vice President, Engineering and Projects, 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.
  
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 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, would reveal business strategies, future customer-funded development plans and programs of potential commercial value to NAC.

**STATE OF GEORGIA, COUNTY OF GWINNETT**

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

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

Executed at Norcross, Georgia, this 24<sup>th</sup> day of October 2008.

  
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Craig K. Seaman  
Senior Vice President, Engineering and Projects  
NAC International Inc.

Subscribed and sworn before me this 24<sup>th</sup> day of October, 2008.

  
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Notary Public