

January 15, 2009

Mr. Anthony L. Patko
Director, Licensing
NAC International, Inc.
3930 East Jones Bridge Road
Norcross, GA 30092

SUBJECT: NAC REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE FOR THE MAGNASTOR SYSTEM APPLICATION (TAC NO.
L24115)

Dear Mr. Patko:

By application dated September 22, 2006, as supplemented, NAC International, Inc. (NAC) submitted a request to the U. S. Nuclear Regulatory Commission (NRC), in accordance with 10 CFR Part 72, for the review and approval of a Certificate of Compliance (CoC) for the MAGNASTOR dry cask storage system. By letters dated April 11, August 27, and November 30, 2007, and March 7 and March 14, 2008, NAC submitted affidavits dated April 11, August 27, and November 30, 2007, and March 7 and March 13, 2008, and executed by Thomas A. Danner. By letter dated June 2, 2008, NAC submitted an affidavit dated June 2, 2008, and executed by Craig K. Seaman. The letters submitted supplemental information related to the MAGNASTOR System application and requested that the information listed in the enclosure to this letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors to 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 discloses patentable subject matter for which it may be desirable to obtain patent protection.
- d) Information that reveals aspects of past, present, or future NAC customer-funded development plans and programs of potential commercial value to NAC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the documents listed in the enclosure to this letter, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified of the date of public disclosure, in advance.

If you have any comments or questions, please contact me at (301) 492-3319.

Sincerely,

/RA/

James R. Hall, Senior Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1031

Enclosure: List of NAC proprietary documents

Therefore, the documents listed in the enclosure to this letter, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

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James R. Hall, Senior Project Manager
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List of NAC Proprietary Documents
Supporting the MAGNASTOR System Review

Date of Letter	Title of Proprietary Document	MAGNASTOR Calculation No.
04/11/2007	NEWGEN Vertical Concrete Cask Tip-Over Analysis	71160-2005, Rev 0
08/27/2007	NEWGEN Basket Stability Evaluation for Cask Tip-Over Accident	71160-2020, Rev 0
	Fuel Assembly Structural Evaluation	71160-2025, Rev 0
	MAGNASTOR Transfer Cask and BWR Canister Transient Analysis	71160-3019, Rev 0
	MAGNASTOR Transfer Cask and PWR Canister Transient Analysis	71160-3020, Rev 1
11/30/2007	Fuel Assembly Structural Evaluation for the Storage End Drop Condition	71160-2026, Rev 0
03/07/2008	MAGNASTOR PWR Transfer Cask and Canister Thermal Evaluation	71160-3007, Rev 3
03/14/2008	NEWGEN Source Term Analysis and Fuel Assembly Model Development -PWR	71160-5001, Rev 1
	NEWGEN Source Term Analysis and Fuel Assembly Model Development -BWR	71160-5002, Rev 0
	NEWGEN Storage and Transfer Cask Shielding Analysis for PWR Fuel	71160-5003, Rev 2
	NEWGEN Storage and Transfer Cask Shielding Analysis for BWR Fuel	71160-5004, Rev 1
	NEWGEN Storage System Results for 37 kw PWR Heat Load	71160-5006, Rev 0
	NEWGEN Storage System Results for 35 kw BWR Heat Load	71160-5007, Rev 0
	NEWGEN Storage System Results for 35.5 kw PWR Heat Load	71160-5008, Rev 0
	NEWGEN Storage System Results for 33 kw BWR Heat Load	71160-5009, Rev 0
	NEWGEN Storage Cask Occupational Exposure Evaluation	71160-5051, Rev 1
	NEWGEN Transfer Cask Occupational Exposure Evaluation	71160-5052, Rev 2
	NEWGEN PWR Skyshine Analysis	71160-5061, Rev 2
	NEWGEN BWR Skyshine Analysis	71160-5062, Rev 1
06/02/2008	NEWGEN Storage and Transfer Cask Shielding Analysis for PWR Fuel	71160-5003, Rev 2
	Shielding evaluations for MAGNASTOR RAIs	71160-5012, Rev 0