March 24, 2010

Mr. Anthony Patko
Director, Licensing
Engineering
NAC International
3930 East Jones Bridge Road, Suite 200
Norcross, GA 30092

SUBJECT: NRC APPROVAL OF NAC INTERNATIONAL'S REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR MODEL NUMBER MAGNASTOR AND MAGNATRAN CLOSED MEETING (TAC NO. L24422)

Dear Mr. Patko:

By e-mail dated March 17, 2010, NAC International (NAC) submitted the presentation slides to support a closed meeting with the Nuclear Regulatory Commission (NRC) staff. The meeting was requested in support of an upcoming amendment request for the Model No. MAGNASTOR storage cask and an expected new application request for the Model No. MAGNATRAN transportation package.

Your March 17, 2010, e-mail included a NAC affidavit, signed by Thomas A. Danner, dated March 17, 2010 (an attachment to your e-mail). The NAC affidavit requested that the material, which is contained in the presentation slides, another attachment to your e-mail, be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390.

The affidavit stated that the submitted information and the information to be discussed in the meeting should be considered exempt from mandatory public disclosure pursuant to 10 CFR 2.390 for the following reasons:

(1) Information that discloses trade secrets and commercial financial information obtained from a person, and privileged or confidential;

(2) Information that contains detailed analytical approaches, methodologies, technical data, and evaluation results not available elsewhere;

(3) Business sensitive information and/or the proprietary analytical approach in a public meeting is likely to cause substantial harm to the competitive position of NAC, and;

(4) Information which, if used by a competitor, would provide an unfair advantage and deprive NAC of the opportunity to seek an adequate return on its large investment.

We have reviewed your application and all the supporting information 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 is proprietary commercial and should be withheld from public disclosure.

Therefore, the presentation slides attached to NAC e-mail dated March 17, 2010 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 also should 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 which will be a reasonable time thereafter.

If you have any questions regarding this matter, you may contact me at (301) 492-3339.

Sincerely,

/RA/
Kimberly J. Hardin, Senior Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 71-9225 and 72-1031
TAC No. L24422

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Kimberly J. Hardin, Senior Project Manager
Licensing Branch
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Docket Nos. 71-9225 and 72-1031
TAC No. L24422

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