

August 12, 2011

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

Attn: Mr. Eric Benner  
Branch Chief, Rules, Inspections and Operations Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety and Safeguards

Subject: Request for Review of NAC International, Inc. Change Implementation via  
10 CFR 72.48 Determinations NAC-09-MAG-003 and NAC-09-MAG-008

Docket 72-1031

Reference: MAGNASTOR<sup>®</sup> Final Safety Analysis Report, Revision 1,  
NAC International, Inc., January 2011

Dear Mr. Benner:

NAC International, Inc. (NAC) requests that the NRC [Rules, Inspections, and Operations Branch (RIOB)] review the following **NAC PROPRIETARY** (1) 10 CFR 72.48 determinations and (2) supporting documentation (as needed) to confirm the acceptability of the 72.48 determinations for making the inner rebar cage of the MAGNASTOR concrete cask optional:

1. 10 CFR 72.48 Determinations
  - a. NAC-09-MAG-003
  - b. NAC-09-MAG-008 [for DCR(L) 71160-FSAR-0D only]
2. Supporting Documentation
  - a. DCR(L)-71160-562-2A
  - b. DCR(L)-71160-FSAR-0D
  - c. Calculation 71160-2006, Rev. 2\*
  - d. Calculation 71160-2014, Rev. 0\*
  - e. Calculation 71160-3029, Rev. 2
  - f. NAC White Paper, 71160-WP-002, Rev. 0, August 12, 2011

\*The copies of the calculations provided are the revisions from the time when items 1.a and b and 2.a and b were developed and approved.

The above documents contain NAC proprietary and/or business sensitive information and therefore are included in a separate sealed envelope marked "NAC Proprietary Information." An affidavit pursuant to 10 CFR 2.390 executed by Mr. Thomas A. Danner, Vice President, Engineering is enclosed.

As a background to this request, please note that NAC has constructed eight MAGNASTOR concrete cask components based on the above 72.48 determinations. Before a NAC customer puts these units into service, NAC requests NRC's review to confirm the acceptability of these

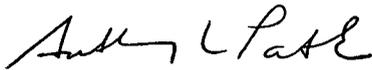
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72.48 determinations. In order to support utilization schedules, NAC requests that the NRC complete its confirmatory review within 30 days from the date of this letter with documentation to be provided to NAC within 60 days.

Should you have any questions or require additional information, please feel free to contact me on my direct line at 678-328-1274. NAC staff is available to provide additional supporting information or clarification in conference calls or in face-to-face closed meetings if needed.

Sincerely,



Anthony L Patko  
Director, Licensing  
Engineering

Enclosures

**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 information to be withheld consists of the following NAC Proprietary Information in regard to the MAGNASTOR<sup>®</sup> cask system (Certificate of Compliance No. 1031):
  - 72.48 Determination NAC-09-MAG-003
  - 72.48 Determination NAC-09-MAG-008
  - DCR(L) 71160-562-2A
  - DCR(L) 71160-FSAR-0D
  - Calculation No. 71160-2006, Concrete Cask Structural Evaluation, Revision 2, and data files on 1 CD
  - Calculation No. 71160-2014, Structural Evaluation for Concrete Casks, Revision 0, and data files on 1 CD
  - Calculation No. 71160-3029, NEWGEN VCC/PWR Canister Thermal Evaluation with the k- $\omega$  Turbulence, Revision 2, and data files on 1 CD
  - NAC White Paper 71160-WP-002, Revision 0, MAGNASTOR Concrete Cask Optional Inner Rebar Cage, August 12, 2011

The above documents are the result of detailed analyses performed by NAC for the MAGNASTOR cask system. NAC is the owner of all of the above-identified information; therefore, all of this information is considered NAC Proprietary Information.

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.

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

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- 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 proprietary for the reasons set forth in Items 4.a, 4.b, and 4.d.

- 5. The information to be withheld is being transmitted 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.
- 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.

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

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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:

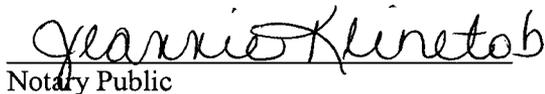
That he has read the foregoing affidavit and the matters stated herein are true and correct to the best of his knowledge, information and belief.

Executed at Norcross, Georgia, this 12<sup>th</sup> day of August 2011.



Thomas A. Danner  
Vice President, Engineering  
NAC International

Subscribed and sworn before me this 12<sup>th</sup> day of August, 2011.

  
Notary Public

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

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NAC INTERNATIONAL  
AFFIDAVIT PURSUANT TO 10 CFR 2.390 (continued)

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NAC INTERNATIONAL  
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Vice President, Engineering  
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