

December 7, 2011

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 THE MODEL NUMBER
MAGNATRAN CLOSED MEETING (TAC NO. L24529)

Dear Mr. Patko:

By letter dated December 2, 2011, NAC International (NAC) submitted information to support a closed meeting with the Nuclear Regulatory Commission (NRC) staff. The pre-application meeting was requested in support of the Model No. MAGNATRAN transportation package. The December 2, 2011, letter included a NAC affidavit, signed by Thomas A. Danner, dated December 2, 2011 (enclosure to the letter). The NAC affidavit requested that the material, which was submitted with the December 2, 2011, NAC letter, 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 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;
- (2) 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; and
- (3) Information that reveals aspects of past, present, or future NAC customer-funded development plans and programs of commercial value to NAC.

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 with the exception of slide 3. The staff notes that the information on slide 3 regarding the secondary impact and regulatory requirements can be discussed in the public portion of the meeting. After discussions with Mr. Fowler of the NAC staff on December 6, 2011, the topic of secondary impact and regulatory requirements will be discussed in the public

A. Patko

-2-

portion of the meeting; however, the specifics of the financial and schedule impacts relating to the MAGNATRAN transportation cask will be discussed in the closed portion of the meeting.

The presentation slides submitted with NAC's letter dated December 2, 2011, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4), 10 CFR 2.390(b)(1), 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) 492-3268.

Sincerely,

/RA/

Jennie Rankin, Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9356
TAC No. L24529

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Jennie Rankin, Project Manager
Licensing Branch
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