

February 2, 2017

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

Attn: Document Control Desk

Subject: Submission of Final Safety Analysis Report (FSAR), Revision 8,  
for the NAC MAGNASTOR® Cask System and Biennial 72.48 Determination Summary  
Report

Docket No. 72-1031

References: 1. ED20150091, Submission of Final Safety Analysis Report (FSAR), Revision 7,  
for the NAC MAGNASTOR® Cask System, September 11, 2015

NAC International (NAC), herewith, is providing a copy of both the proprietary and non-proprietary versions of the NAC MAGNASTOR Cask System FSAR, Revision 8 changed pages via Enclosure 4. Revision 8 of the NAC MAGNASTOR FSAR is based on FSAR Revision 7. Revision 8 incorporates changes that have been reviewed and incorporated by NAC under the 10 CFR 72.48 regulation. A Certificate of Accuracy for the Revision 8 changes, signed by a duly authorized officer of NAC, is provided via Enclosure 3.

The biennial 72.48 Determination Summary Report also includes both 72.48 determinations for FSAR related changes and other unrelated 72.48 determinations that were performed and required an "evaluation" be performed. This submittal partially satisfies the MAGNASTOR FSAR and 72.48 Determination Summary Report biennial update for the period between February 5, 2015 and February 4, 2017. The biennial update period between February 5, 2015 and July 6, 2015 was satisfied by Reference 1. This letter satisfies the remainder of the biennial update period.

Consistent with NAC administrative practice, the NAC MAGNASTOR FSAR, Revision 8, changed pages are uniquely identified by the revision number located in the header of each revised page. Revision bars mark the FSAR text changes. Due to text flow, some Revision 8 pages may not contain any revision bars. A detailed description of all of the changes incorporated in Revision 8 of the NAC MAGNASTOR FSAR is provided via Enclosure 2. Enclosure 1 is the 10 CFR 72.48 Determination Summary Report for Revision 8 of the MAGNASTOR FSAR and other unrelated 72.48 determinations, which required an evaluation be performed.

The proprietary version of this submittal is contained in a separate sealed envelope marked as "NAC Proprietary Information." An Affidavit pursuant to 10 CFR 2.390 is provided via Attachment 1 to this letter.

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If you have any comments or questions regarding this submittal, please contact me on my direct line at 678-328-1236.

Sincerely,



Wren Fowler  
Director, Licensing  
Engineering

Attachments:

1. Proprietary Affidavit

Enclosures:

1. 10 CFR 72.48 Determination Summary Report for the NAC MAGNASTOR FSAR, Revision 8
2. List of Changes for the NAC MAGNASTOR FSAR, Revision 8
3. Certification of Accuracy of the NAC MAGNASTOR FSAR, Revision 8
4. FSAR Changed Pages and LOEP for the NAC MAGNASTOR FSAR, Revision 8

Attachment 1  
Proprietary Affidavit

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

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George Carver (Affiant), Vice President, Engineering and Licensing, 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 includes the following NAC Proprietary Information that is being provided in a submittal containing the NAC MAGNASTOR FSAR, Revision 8 update.
  - Enclosure 1, 10 CFR 72.48 Determination Summary Report, pages marked "NAC PROPRIETARY INFORMATION"
  - Enclosure 4, NAC MAGNASTOR FSAR Rev. 8, Proprietary Version

NAC is the owner of the information contained in the aforementioned pages/document, so they are 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.
  - 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.

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

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- 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, the Licensing Engineer, 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/or 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.

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. 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.

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


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**STATE OF GEORGIA, COUNTY OF GWINNETT**

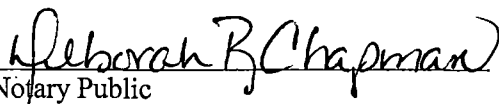
Mr. George Carver, being duly sworn, deposes and says:

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 2nd day of February, 2017.

  
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George Carver  
Vice President, Engineering and Licensing  
NAC International

Subscribed and sworn before me this 2nd day of February, 2017.

  
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Notary Public

