

June 7, 2018

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

Attn: Document Control Desk

Subject: NAC's Request for a Revision to Certificate of Compliance (CoC) No. 9235 for the NAC-STC (Submittal 18C)

Docket No. 71-9235

- References:
1. Model No. NAC-STC Package, U.S. Nuclear Regulatory Commission (NRC) Certificate of Compliance (CoC) No. 9235, Revision 18, October 24, 2017
  2. Safety Analysis Report (SAR) for the NAC Storage Transport Cask (NAC-STC), Revision 18, NAC International, March 2017

NAC International (NAC) hereby submits a request to revise the NAC-STC Certificate of Compliance (CoC) No. 9235, Revision 18 (Reference 1) to include adding an optional modified shielding configuration when shipping HBU (high burnup) and LBU (low burnup) fuel, see SAR Sections 5.9 and 5.10 respectively.

SAR Section 5.9 now contains evaluations of directly loaded HBU contents with the modified shielding configuration, while Section 5.10 contains the evaluation of directly loaded LBU contents with the modified shielding configuration. Additionally, a license drawing has been revised to add the modified shielding configuration. NAC is requesting this review to be treated separately from the existing NAC-STC amendment applications before the NRC. NAC requests approval of this application by the end of 2018.

Consistent with NAC administrative practice, this proposed SAR revision is numbered to uniquely identify the applicable changed pages. Revision bars mark the SAR text changes on the Revision STC-18C pages (Enclosure 5) to the Reference 2 SAR pages. Enclosure 1 contains proprietary NAC calculations used to support the requested change. Enclosure 2 contains a summary of the changes to the SAR for Revision STC-18C. Enclosure 3 contains a detailed list of drawing changes. The proposed changes to the CoC are contained in Enclosure 4. As part of this submittal, NAC is including one hard copy of both the proprietary and non-proprietary versions. 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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In accordance with NAC's administrative practices, upon final acceptance of this application, the STC-18C changed pages will be reformatted and incorporated into the next revision of the NAC-STC SAR.

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

Sincerely,



Wren Fowler  
Director, Licensing  
Engineering

Attachment:

Attachment 1 - NAC International Affidavit Pursuant 10 CFR 2.390

Enclosures:

- Enclosure 1 – Additional Information and Supporting Documents for, NAC-STC SAR, Revision 18C
- Enclosure 2 – List of Changes, NAC-STC SAR, Revision 18C
- Enclosure 3 – List of Drawing Changes, NAC-STC SAR, Revision 18C
- Enclosure 4 – Proposed Changes for Certificate of Compliance Revision 18, NAC-STC SAR, Revision 18C
- Enclosure 5 – SAR Page Changes and LOEP, NAC-STC SAR, Revision 18C

**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 this submittal.
  - Enclosure 1, NAC-STC Proprietary Calculations
    - 423-2010, Revision 4
  - Enclosure 5, NAC-STC SAR Rev. 18C, 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 7<sup>th</sup> day of June, 2018.

  
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George Carver  
Vice President, Engineering and Licensing  
NAC International

Subscribed and sworn before me this 7 day of JUNE, 2018.

  
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Notary Public

