

October 31, 2019

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 No. 9356 for the NAC
MAGNATRAN Transportation Package.

Docket No. 71-9356

- Reference:
1. Certificate of Compliance No. 9356, Revision 1, for the Model No.
MAGNATRAN Transport Package, U.S. Nuclear Regulatory Commission
(NRC), August 3, 2019
 2. MAGNATRAN Transportation Package Safety Analysis Report (SAR),
Revision 0, April 2019

NAC International (NAC) hereby submits a request to revise the MAGNATRAN Certificate of Compliance (CoC) No. 9356, Revision 1 (Reference 1) to include the fabrication and loading NCRs and Greater Than Class C (GTCC) waste loading evaluations affecting the transport of NAC MAGNASTOR Transportable Storage Canisters (TSCs) for Zion Solutions (ZS) in the NAC MAGNATRAN transportation package.

Additional changes requested by NAC include an exception to the ASME Code Section III, Division 1, Subsection NG-2300, Charpy testing direction requirement for carbon steel plate material $\geq \frac{5}{8}$ " thick and an exception to the post heat treatment UT requirements for ASME Section III, Division 1, Subsection NG-2500, for rolled carbon steel plate material $\geq \frac{3}{4}$ ".

Also, NAC has added a condition to the CoC which limits the TSC assemblies permitted to be transported. NAC uses shared drawings between its storage and transportation systems. For a current storage project, NAC has revised the length of the TSC and updated several license drawings to reflect this change. One of these drawings happens to be part of this submittal. Since NAC is not submitting all of the associated drawings for this change, NAC is requesting a condition be placed in the CoC to note this particular TSC is not permitted to be transported even though it is detailed on one particular drawing. NAC will pursue a revision to the MAGNATRAN CoC at a later date to encompass the complete set of license drawings for this change.

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 MAGNATRAN 19A pages (Enclosure 5) to the Reference 2 SAR pages. The proposed changes to the CoC are contained in Enclosure 1. Enclosure 2 contains proprietary NAC calculations used to support the requested changes. Enclosure 3 contains a summary of the changes to the SAR for Revision MAGNATRAN 19A. Enclosure 4 contains a detailed list of drawing changes.

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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.

Should you require further details regarding the submittal, please feel free to contact me at 678-328-1236.

Sincerely,



Mr. Wren Fowler
Director, Licensing
Engineering

Attachment:

Attachment 1 - NAC International Affidavit Pursuant 10 CFR 2.390

Enclosures:

- Enclosure 1 – Proposed Changes for Certificate of Compliance Revision 2,
NAC – MAGNATRAN SAR, Revision 19A
- Enclosure 2 – Supporting Calculations, NAC – MAGNATRAN SAR, Revision 19A
- Enclosure 3 – List of Changes, NAC – MAGNATRAN SAR, Revision 19A
- Enclosure 4 – List of Drawing Changes, NAC – MAGNATRAN SAR, Revision 19A
- Enclosure 5 – SAR Page Changes and LOEP, NAC – MAGNATRAN SAR, Revision 19A

Attachment 1
Proprietary Affidavit

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

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 MAGNATRAN SAR, Revision 19A.

Enclosure 2 – Supporting Calculations, NAC- MAGNATRAN SAR, Revision 19A

- 71160-2145, Revision 6
- 71160-2147, Revision 1

Enclosure 4 – List of Drawing Changes, NAC- MAGNATRAN SAR, Revision 19A

Enclosure 5 – SAR Page Changes and LOEP, NAC- MAGNATRAN SAR, Revision 19A

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.

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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
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STATE OF GEORGIA, COUNTY OF GWINNETT

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

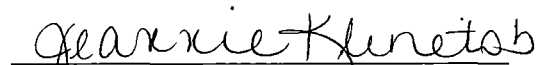
That he has read the foregoing affidavit and the matters stated herein are true and correct to the best of his knowledge, information and belief.

Executed at Norcross, Georgia, this 31st day of October, 2019.



George Carver
Vice President, Engineering and Licensing
NAC International

Subscribed and sworn before me this 31st day of October, 2019.


Notary Public

