

May 9, 2022

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 22A)

Docket No. 71-9235

- References:
1. Model No. NAC-STC Package, U.S. Nuclear Regulatory Commission (NRC) Certificate of Compliance (CoC) No. 9235, Revision 23, December 6, 2019
 2. Safety Analysis Report (SAR) for the NAC Storage Transport Cask (NAC-STC), Revision 20, NAC International, July 2020

NAC International (NAC) hereby submits a request to revise the NAC-STC Certificate of Compliance (CoC) No. 9235, Revision 23 (Reference 1) crediting the flexural rigidity of the fuel pellet as recommended in NUREG-2224. This analysis can be found in SAR Section 2.13.6.15.4 "Fatigue Evaluation for HBU Fuel for Normal Conditions of Transport". This approach to high burn-up fuel (HBU) allows us to remove our previously approved licensing approach for directly loaded HBU fuel from SAR Section 1.1.1 of Reference 2. Specifically, time limitations associated with the licensing basis ductile-brittle transient temperature limits. Additionally, discussions on HBU fuel were revised in SAR Chapters 2 and 3.

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-22A pages (Enclosure 4) to the Reference 2 SAR pages. Enclosure 1 contains a summary of the changes to the SAR for Revision STC-22A. Enclosure 2 contains proprietary NAC calculations used to support the requested change. The proposed changes to the CoC are included in Enclosure 3. The headers of the SAR pages indicate Revision 22A and the submittal month and year on those pages that have changes and Revision bars mark the SAR text changes.

Per Attachment 1 to this letter, NAC requests information in Enclosures 2 and 4 to be withheld from public disclosure per 10 CFR 2.390. In accordance with NAC's administrative practices, upon final acceptance of this application, 22A changed pages will be reformatted and incorporated into the next revision of the NAC-STC SAR.



U.S. Nuclear Regulatory Commission
May 9, 2022
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Wren Fowler'.

Wren Fowler
Director, Licensing
Engineering

Attachment:

Attachment 1 - NAC International Affidavit Pursuant 10 CFR 2.390

Enclosures:

Enclosure 1 – List of Changes, NAC-STC SAR, Revision 22A

Enclosure 2 – NAC-STC Proprietary Calculation

Enclosure 3 – Proposed Changes for Certificate of Compliance Revision 23 NAC-STC SAR,
Revision 22A

Enclosure 4 – SAR Page Changes and LOEP, NAC-STC SAR, Revision 22A

NAC INTERNATIONAL
AFFIDAVIT PURSUANT TO 10 CFR 2.390

George Carver (Affiant), Vice President, Engineering and Support Services, of NAC International, hereinafter referred to as NAC, at 3930 East Jones Bridge Road, Peachtree Corners, 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 2, NAC-STC Proprietary Calculation
 - 423-2020, Revision 0
 - Enclosure 4, NAC-STC SAR Rev. 22A, 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)**

- 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)**

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 Peachtree Corners, Georgia, this 9th day of May, 2022.



George Carver
Vice President, Engineering and Support Services
NAC International

Subscribed and sworn before me this 9th day of May, 2022.



Notary Public

