

April 6, 2001

Mr. Edward M. Davis
President and Chief Executive Officer
NAC International, Inc.
655 Engineering Drive
Norcross, GA 30092

SUBJECT: PUBLIC DISCLOSURE DETERMINATION REGARDING RESPONSE TO PART
21 NOTIFICATION FOR NS-4-FR NEUTRON SHIELDING MATERIAL

Dear Mr. Davis:

By letter dated June 15, 2000, NAC International, Inc., (NAC) submitted a response to a 10 CFR Part 21 report regarding NS-4-FR material supplied by NAC. An electronic copy of the non-proprietary portion of the letter can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML010220336. Enclosed with this letter were the following documents:

Attachment 1: Technical Analysis Report of Voiding in Holtec Samples;

Attachment 2: Technical Analysis Report of Temperature Effects Reported by Holtec;

Attachment 3: NAC Actions in Response to Holtec Part 21 Filing; and

Attachment 4: NAC Published Product Datasheet for NS-4-FR.

With the letter dated June 15, 2000, NAC submitted an affidavit signed by Willington J. Lee. In the affidavit, Mr. Lee stated that the information in the above responses should be withheld from public disclosure, pursuant to 10 CFR 2.790 of the Commission's regulations, for the following reasons:

- (a) The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by NAC's competitors without license from NAC International constitutes a competitive economic advantage over other companies;
- (b) The information which, if used by a competitor, would reduce its expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- (c) The information which reveals aspects of past, present, or future NAC International customer-funded development plans and programs of potential commercial value to NAC International; and
- (d) The information, which discloses patentable subject matter, may be desirable to obtain patent protection.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. Withholding from public disclosure shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any comments or questions about this matter, please contact Mr. Wayne Hodges of my staff at (301) 415-2398.

Sincerely,

/s/ /RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the information designated as proprietary should be withheld from public disclosure pursuant to 10 CFR 2.790.

It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. Withholding from public disclosure shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any comments or questions about this matter, please contact Mr. Wayne Hodges of my staff at (301) 415-2398.

Sincerely,

/s/ /RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

DISTRIBUTION:

NRC File Center
MSrinivasan

PUBLIC NMSS R/F
RO'Connell, FCSS

SFPO R/F

C:\Part21-info-propdet-NAC.wpd

OFC	SFPO		SFPO		NMSS OAC		OGC		SFPO		SFPO	
NAME	MWaters		EZiegler		RLO'Connell		MSiemien		TMcGinty			
DATE	3/28/01		03/28/01		04/03/01		04/04/01		04/05/01		/	/01

OFC	SFPO		SFPO		SFPO		SFPO		SFPO		SFPO	
NAME	SFrant		EWBrach									
DATE	04/06/01		04/06/01									

OFFICIAL RECORD COPY