

February 8, 2006

Mr. Anthony L. Patko, Director  
Licensing  
NAC International, Inc.  
3930 East Jones Bridge Road  
Norcross, GA 30092

SUBJECT: NRC APPROVAL OF NAC REQUEST FOR WITHHOLDING INFORMATION  
FROM PUBLIC DISCLOSURE FOR THE MAGNASTOR SYSTEM  
APPLICATION (TAC NO. L23764)

Dear Mr. Patko:

By letter dated January 31, 2005, NAC International (NAC) submitted an affidavit dated January 31, 2005, and executed by Holger Pfiefer. The letter submitted supplemental information related to the MAGNASTOR System application and requested the following information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

NAC Responses to Five Thermal Analysis Questions

The submittal addressed staff questions raised during the closed portion of a November 1, 2004, meeting to discuss NAC's application. The non-proprietary portion of the submittal, 13 additional responses are available electronically for public inspection in the Nuclear Regulatory Commission's (NRC's) Agencywide Documents Access and Management System (ADAMS).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors to 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 aspects of past, present, or future NAC customer-funded development plans and programs of potential commercial value to NAC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the NAC Responses to Five Thermal Analysis Questions, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

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

If you have any questions regarding this matter, I may be reached at 301-415-1396.

Sincerely,

**/RA/**

L. Raynard Wharton, Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1031  
TAC No. L23764

A. L. Patko

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L. Raynard Wharton, Project Manager  
Licensing Section  
Spent Fuel Project Office  
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Docket No. 72-1031  
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