

May 24, 2012

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

Attn: Document Control Desk

Subject: Submission of Supplemental Information and NAC's Response to NRC's Requests for Additional Information (RAI) for the NAC Request for an Amendment of Certificate of Compliance (CoC) No. 9225 for the NAC-LWT Cask to Incorporate SLOWPOKE Fuel as Authorized Content

Docket No. 71-9225

- References:
1. Model No. NAC-LWT Package, U.S. Nuclear Regulatory Commission (NRC) Certificate of Compliance (CoC) No. 9225, Revision 55, March 23, 2010
  2. Safety Analysis Report (SAR) for the NAC Legal Weight Truck Cask, Revision 41, NAC International, April 2010
  3. ED20120023, Submission of a Request for an Amendment of Certificate of Compliance (CoC) No. 9225 for the NAC-LWT Cask to Incorporate SLOWPOKE fuel as Authorized Content, NAC International, February 3, 2012
  4. ED20120032, Submission of a Supplement to the Request for an Amendment of Certificate of Compliance (CoC) No. 9225 for the NAC-LWT Cask to Incorporate SLOWPOKE fuel as Authorized Content, March 2, 2012
  5. Model No. NAC-LWT SLOWPOKE Fuel Revision Review Telephone Call, April 26, 2012

NAC International (NAC) hereby submits supplemental information and the RAI responses to Reference 5. The requested additional information is provided in the form of NAC-LWT SAR, Revision LWT-12C changed pages. A detailed description of the changes presented in SAR Revision LWT-12C is provided in Attachment 1. The associated drawing change is described in Attachment 2. Please note, in addition to those changes made in response to Reference 5, NAC is providing the following supplemental information:

- Corrected an inconsistency associated with the numbering scheme for the List of Tables for Chapter 1 of the SAR that was inadvertently included in Revision LWT-12A. This correction aligns the numbering scheme with Reference 2.
- Changed the SLOWPOKE canister weight from 23 lb to 25 lb based on the as manufactured hardware. The new higher canister weight has also been incorporated into the license drawing 315-40-156, Revision 3.

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Attachment 1, List of Changes, identifies the changes related to the RAI responses with “●” and the changes related to the supplemental information are identified with “➤” symbol for clear identification of the nature of each change.

This submittal includes two copies of this transmittal letter and Revision LWT-12C changed pages to the Reference 2 SAR. 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 LWT-12C pages. The included List of Effective Pages identifies the current revision level of all pages in the Reference 2 SAR.

In order to better facilitate the review process, NAC is providing the Revision LWT-12C changed pages with appropriate backing pages. Consequently, a number of Revision LWT-12C pages are included with no revision bars. In accordance with NAC’s administrative practices, upon final acceptance of this application, the LWT-12A, -12B and -12C changed pages will be reformatted and incorporated into the next revision of the NAC-LWT SAR.

This submittal also includes NAC Proprietary Information in the form of a Proprietary Supplement to RAI 2-3 and shielding data files on CD media supporting NAC’s response to RAI 5-2. The proprietary information is contained in a separate sealed envelope labeled “NAC Proprietary Information.” An affidavit pursuant to 10 CFR 2.390 executed by Mr. George Carver, Vice President, Engineering, is enclosed.

If you have any comments or questions, please contact me on my direct line at 678-328-1274.

Sincerely,



Anthony L. Patko  
Director, Licensing  
Engineering

Attachment 1 – List of Changes, NAC-LWT SAR, Revision LWT-12C, SLOWPOKE  
Amendment

Attachment 2 – List of Drawing Changes, NAC-LWT SAR, Revision LWT-12C,  
SLOWPOKE Amendment

Enclosures

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

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George Carver (Affiant), Vice President, Engineering, 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 consists of the NAC Proprietary Supplement to the response to RAI 2-3 and NAC Proprietary shielding data files included on CD media, both of which are being provided to support the technical review of NAC's Request for Amendment of Certificate of Compliance (CoC) No. 9225 for the NAC-LWT Transport Package. NAC is the owner of the information contained on the aforementioned page and CD, 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.
  - 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.

**NAC INTERNATIONAL**  
**AFFIDAVIT PURSUANT TO 10 CFR 2.390 (continued)**

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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 24<sup>th</sup> day of May 2012.



George Carver  
Vice President, Engineering  
NAC International

Subscribed and sworn before me this 24 day of May, 2012.

  
Notary Public