

March 5, 2013

Mr. Anthony Patko
Director, Licensing
Engineering
NAC International
3930 East Jones Bridge Road, Suite 200
Norcross, GA 30092

SUBJECT: APPROVAL OF NAC INTERNATIONAL'S REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR MODEL NO. MAGNATRAN
PACKAGE (TAC NO. L24701)

Dear Mr. Patko:

By letter dated February 15, 2013, NAC International (NAC) submitted supplementary information to support approval of the Model No. MAGNATRAN transportation package. In your letter, you requested the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

1. NAC Calculation 71160-5001, Rev. 1, Source Term Analysis, PWR,
2. NAC Calculation 71160-5002, Rev. 0, Source Term Analysis, BWR, and
3. NAC International STC Impact Tests, November 13, 2001.

Your February 15, 2013, letter included a NAC affidavit, signed by Mr. Craig Seaman, dated, February 15, 2013. The NAC affidavit requested that the material, which is contained on a CD that was included with the letter, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure pursuant to 10 CFR 2.390 for the following reasons:

- (1) 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.
- (2) Information which, 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.
- (3) 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 all the supporting information 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 is proprietary commercial and should be withheld from public disclosure.

Therefore, the information attached to the NAC letter dated February 15, 2013, 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 U.S. Nuclear Regulatory Commission (NRC). You also should 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, which will be a reasonable time thereafter.

If you have any questions regarding this matter, you may contact me at (301) 492-3303.

Sincerely,

/RA/

Bernard H. White, Senior Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9356

TAC No. L24701

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Docket No. 71-9356
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