



**THIS LETTER CONTAINS PROPRIETARY INFORMATION
IN ACCORDANCE WITH 10 CFR 2.390**

August 7, 2015

SMT-2015-037
10 CFR 50.30

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

50-608

- References:
- (1) SHINE Medical Technologies, Inc. letter to NRC, dated March 26, 2013, Part One of the SHINE Medical Technologies, Inc. Application for Construction Permit (ML130880226)
 - (2) SHINE Medical Technologies, Inc. letter to NRC, dated May 31, 2013, Part Two of the SHINE Medical Technologies, Inc. Application for Construction Permit (ML13172A324)
 - (3) NRC letter to SHINE Medical Technologies, Inc., dated March 25, 2015, SHINE Medical Technologies, Inc. – Request for Additional Information Regarding Application for Construction Permit (TAC Nos. MF2305, MF2307, and MF2308) (ML15055A116)
 - (4) SHINE Medical Technologies, Inc. letter to NRC, dated July 23, 2015, SHINE Medical Technologies, Inc. Application for Construction Permit, Response to Request for Additional Information 6b.3-30

SHINE Medical Technologies, Inc. Application for Construction Permit
Submittal of Atkins-NS-TR-SHN-15-06, Revision 1

Pursuant to 10 CFR 50.30, SHINE Medical Technologies, Inc. (SHINE) submitted an application for a construction permit to construct a medical isotope facility to be located in Janesville, WI (References 1 and 2). The NRC staff determined that additional information was required to enable the staff's continued review of the SHINE construction permit application (Reference 3). Via the SHINE Response to RAI 6b.3-30 (Reference 4), SHINE stated a nuclear criticality safety evaluation (NCSE) covering criticality safety in the uranyl sulfate preparation tank would be provided to the NRC at a later date.

Enclosure 1 provides the non-public (proprietary) version of Atkins-NS-TR-SHN-15-06, Revision 1, "Criticality Safety Evaluation for the SHINE Target Solution Preparation System." Enclosure 1 is being provided via optical storage media (OSM) as OSM#1. In addition to proprietary information, Enclosure 1 contains security-related information which was identified utilizing the guidance contained in Regulatory Information Summary (RIS) 2005-31. SHINE requests that the NRC withhold Enclosure 1 from public disclosure under 10 CFR 2.390.

Enclosure 1 contains both proprietary and security-related information. Withhold from public disclosure under 10 CFR 2.390. Upon removal of Enclosure 1, this letter is uncontrolled.

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Enclosure 2 provides the public (non-proprietary) version of Atkins-NS-TR-SHN-15-06, Revision 1, "Criticality Safety Evaluation for the SHINE Target Solution Preparation System." Enclosure 2 is being provided via OSM as OSM#2.

Enclosure 3 provides an affidavit supporting the proprietary treatment of the SHINE proprietary information pursuant to 10 CFR 2.390. Enclosure 1 contains information proprietary to SHINE. Upon removal of Enclosure 1, this letter is uncontrolled.

If you have any questions, please contact Mr. Jim Costedio, Licensing Manager, at 608/210-1730.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed on August 7, 2015.

Very truly yours,

 *for Vann Bynum*

R. Vann Bynum, Ph.D.
Chief Operating Officer
SHINE Medical Technologies, Inc.
Docket No. 50-608

Enclosures

cc: Administrator, Region III, USNRC
Project Manager, USNRC
Environmental Project Manager, USNRC
Supervisor, Radioactive Materials Program, Wisconsin Division of Public Health
(w/o Enclosure 1)

<p>Enclosure 1 contains both proprietary and security-related information. Withhold from public disclosure under 10 CFR 2.390. Upon removal of Enclosure 1, this letter is uncontrolled.</p>
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**ENCLOSURE 1 CONTAINS PROPRIETARY INFORMATION
IN ACCORDANCE WITH 10 CFR 2.390**

ENCLOSURE 1

SHINE MEDICAL TECHNOLOGIES, INC.

**SHINE MEDICAL TECHNOLOGIES, INC. APPLICATION FOR CONSTRUCTION PERMIT
SUBMITTAL OF ATKINS-NS-TR-SHN-15-06, REVISION 1**

**ATKINS-NS-TR-SHN-15-06, REVISION 1
CRITICALITY SAFETY EVALUATION FOR THE
SHINE TARGET SOLUTION PREPARATION SYSTEM**

**NON-PUBLIC VERSION
(OSM#1)**



Enclosure 1 contains both proprietary and security-related information.
Withhold from public disclosure under 10 CFR 2.390.
Upon removal of Enclosure 1, this letter is uncontrolled.

ENCLOSURE 2

SHINE MEDICAL TECHNOLOGIES, INC.

**SHINE MEDICAL TECHNOLOGIES, INC. APPLICATION FOR CONSTRUCTION PERMIT
SUBMITTAL OF ATKINS-NS-TR-SHN-15-06, REVISION 1**

**ATKINS-NS-TR-SHN-15-06, REVISION 1
CRITICALITY SAFETY EVALUATION FOR THE
SHINE TARGET SOLUTION PREPARATION SYSTEM**

**PUBLIC VERSION
(OSM#2)**



ENCLOSURE 3

SHINE MEDICAL TECHNOLOGIES, INC.

**SHINE MEDICAL TECHNOLOGIES, INC. APPLICATION FOR CONSTRUCTION PERMIT
SUBMITTAL OF ATKINS-NS-TR-SHN-15-06, REVISION 1**

AFFIDAVIT OF RICHARD VANN BYNUM



AFFIDAVIT OF RICHARD VANN BYNUM


STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Richard Vann Bynum, Chief Operating Officer of SHINE Medical Technologies, Inc. (SHINE), do hereby affirm and state:

1. I am authorized to execute this affidavit on behalf of SHINE. I am authorized to review information submitted to or discussed with the Nuclear Regulatory Commission (NRC) and apply for the withholding of information from public disclosure. The purpose of this affidavit is to provide the information required by 10 CFR 2.390(b) in support of SHINE's request for proprietary treatment of certain confidential commercial and financial information submitted in the SHINE response to the NRC staff's requests for additional information transmitted by letter SMT-2015-037 with enclosures. SHINE requests that the confidential information contained in Enclosure 1 be withheld from public disclosure in its entirety.
2. I have knowledge of the criteria used by SHINE in designating information as sensitive, proprietary, or confidential.
3. Pursuant to the provisions of paragraph (a)(4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - a. The information sought to be withheld from public disclosure contained in Enclosure 1 of SMT-2015-037 is owned by SHINE, its affiliates, or third parties to whom SHINE has an obligation to maintain its confidentiality. This information is and has been held in confidence by SHINE.
 - b. The information sought to be protected in Enclosure 1 is not available to the public to the best of my knowledge and belief.

- c. The information contained in Enclosure 1 is of the type that is customarily held in confidence by SHINE, and there is a rational basis for doing so. The information that SHINE is requesting to be withheld from public disclosure includes trade secret, commercial financial information, commercial information, or information that is subject to export controls. SHINE limits access to these elements to those with a "need to know," and subject to maintaining confidentiality.
- d. The proprietary information sought to be withheld from public disclosure in Enclosure 1 includes, but is not limited to: structural configuration, primary and supporting systems of the medical isotope facility, process and system locations, and process details. This would include information regarding the types, quantities, and locations of materials stored on site as would be referenced in facility configuration drawings. Public disclosure of the information in Enclosure 1 would create substantial harm to SHINE because it would reveal trade secrets owned by SHINE, its affiliates, or third parties to whom SHINE has an obligation to maintain its confidentiality.
- e. The information contained in Enclosure 1 of SMT-2015-037 is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC. The information is properly marked.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed on August 7, 2015.

 for *Richard Vann Bynum*

Richard Vann Bynum, Ph.D.
COO – SHINE Medical Technologies, Inc.