



October 20, 2016
Letter No. ES/NRC 16-021
File No. LADM-02.01
Docket No. 71-9320

ATTN: Document Control Desk
Director, Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Renewal of CoC No. 9320 for the MIDUS Transportation Package

References: 1.) Certificate of Compliance 9320, Docket No. 71-9320, Revision 2.

- 2.) Letter from EnergySolutions (S. Sisley) to NRC, Subject: Request to Amend Certificate of Compliance No. 9320, Revision 2 for the MIDUS Transportation Package, Letter No. ES/NRC 16-007, March 30, 2016 (ML16096A075).
- 3.) Letter from EnergySolutions (S. Sisley) to NRC, Subject: Response to Request for Additional Information for the Review of the Certificate of Compliance No. 9320 for the Model No. MIDUS Packaging, TAC No. L25103, Letter No. ES/NRC 16-014, July 14, 2016 (ML16202A410).
- 4.) E-mail from S. Sisley (EnergySolutions) to N. Garcia-Santos (NRC/DSFM), RE: QUERY: Anti-Seize Material, August 3, 2016 (ML16221A242).

Dear Sir or Madam:

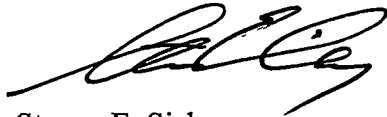
EnergySolutions, as the holder of Certificate of Compliance (CoC) No. 9320 for the MIDUS Transportation Package (Ref. 1), which currently expires on May 31, 2017, hereby requests that the CoC be renewed to ensure continued use of the packaging. EnergySolutions requests that the CoC renewal be granted concurrently with the pending CoC amendment requested by References 2 and 3.

EnergySolutions has reviewed the sections on operating procedures, acceptance tests, and maintenance programs and determined that they are complete and accurate and do not require any additional revisions beyond those already included in the pending amendment request. However, the MIDUS Transportation Package Safety Analysis Report (SAR) has been revised to make the corrections to Drawing No. TYC01-1605 in order to fulfill the licensing commitments made to NRC in Reference 4. Specifically, the drawing was revised to correct the spelling of "anti-seize" and to require use of nickel-based thread lubricant.

A summary of the changes in Revision 5 of the SAR is included in the letter Attachment. Enclosure 1 contains one (1) paper copy of the non-public version of the revised SAR that contains proprietary and security-related information that should be withheld under 10 CFR 2.390. Enclosure 2 contains one (1) paper copy of the public version of the revised SAR in which all proprietary and security-related information is redacted. Enclosure 3 contains an affidavit containing a full statement of the reasons that the proprietary information in the SAR should be withheld from the public, pursuant to the requirements of 10 CFR 2.390.

Should you or any member of your staff have questions, please contact me at (408) 558-3509.

Sincerely,



Steven E. Sisley
Cask Licensing Manager

Attachment: Summary of Changes, MIDUS Transportation Packaging SAR, Revision 5.

Enclosures:

- 1) MIDUS Transportation Packaging Safety Analysis Report, Revision 5, October 2016, Non-Public Version (1 paper copy), **(Proprietary and Security-Related Information – Withhold Under 10 CFR 2.390).**
- 2) MIDUS Transportation Packaging Safety Analysis Report, Revision 5, October 2016, Public Version (1 paper copy).
- 3) Affidavit pursuant to 10 CFR 2.390.

cc) Norma Garcia-Santos, USNRC, NMSS/DSFM/SFLB
Gerard P. Van Noordennen, EnergySolutions

The following is a summary of the changes incorporated in Revision 5 of the MIDUS Transportation Package Safety Analysis Report (SAR). The revisions indicators in the margins of Revision 4 of the MIDUS Transportation Package SAR have also been maintained in Revision 5 to indicate the cumulative changes that have been made in association with the pending request to amend the MIDUS CoC. However, the summary of the changes incorporated in Revision 4 of the MIDUS Transportation Package SAR are not repeated below.

**Summary of Changes,
MIDUS Transportation Package SAR, Revision 5**

Section	Page(s)	Change	Purpose
1.3.2	1-9	Updated the revision number for Drawing No. TYC01-1605.	Drawing revised to fulfill the licensing commitment made to NRC.
1.3.2	Dwg. No. TYC01-1605	Sht. 1 of 2, Notes 1 and 4: Revised to specify nickel-based thread lubricant and correct spelling of "anti-seize".	

Enclosure 3

Affidavit pursuant to 10 CFR 2.390
(1 paper copy)

AFFIDAVIT PURSUANT TO 10 CFR 2.390

State of California)
) SS.
County of Santa Clara)

I, Steven E. Sisley, depose and say as follows:

- (1) I am Cask Licensing Manager of *EnergySolutions*, and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been duly authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the document listed in Table 1. This document has been appropriately designated as proprietary.

TABLE 1

Document No.	Document Title	Rev/Date
N/A	F. Blanjaar, et. al., "Radiolytic gas formation in Mallinckrodt produced Mo99 solutions" (Attachment to Section 3.5.5 of the MIDUS Transportation Package Safety Analysis Report, TYC01-1600, Rev. 5)	Version 2.2, January 2006
N/A	F. Blanjaar, et. al., "Hydrogen generation in Mallinckrodt produced Mo99 solutions" (Attachment to Section 3.5.6 of the MIDUS Transportation Package Safety Analysis Report, TYC01-1600, Rev. 5)	Version 2.3, April 2006

- (3) I have personal knowledge of the criteria and procedures used by *EnergySolutions* in designating information as trade secret, privileged, or as confidential commercial or financial information.

(4) Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, including the information as designated in paragraph (2) above, should be withheld.

(i) The information sought to be withheld from public disclosure is included in the report documenting information which is owned and has been held in confidence by *EnergySolutions*.

(ii) The information is of a type customarily held in confidence by *EnergySolutions* and not customarily disclosed to the public. *EnergySolutions* has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes *EnergySolutions*' policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

(a) The information reveals the distinguishing aspects of a process or component, structure, tool, method, etc., and the prevention of its use by *EnergySolutions*' competitors, without license from *EnergySolutions*, gives *EnergySolutions* a competitive economic advantage.

(b) The information consists of supporting data (including test data) relative to a process or component, structure, tool, method, etc. and gives *EnergySolutions* a competitive economic advantage, e.g., by optimization or improved marketability.

- (c) The information, if used by a competitor, would reduce the competitor's expenditure of resources or improve the competitor's advantage in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - (d) The information reveals cost or price information, production capacities, budget levels, or commercial strategies of *EnergySolutions*, its customers or suppliers.
 - (e) The information reveals aspects of past, present, or future *EnergySolutions* or customer funded development plans and programs of potential commercial value to *EnergySolutions*.
 - (f) The information contains patentable ideas, for which patent protection may be desirable.
 - (g) The information is third-party Proprietary Information.
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- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
 - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked and being transmitted by *EnergySolutions* to the Document Control Desk. The proprietary information has been presented to the


Nuclear Regulatory Commission and is being voluntarily provided by *EnergySolutions*.

- (vi) Public disclosure of the information is likely to cause substantial harm to the competitive position of *EnergySolutions* because:
 - (a) Similar products are manufactured and sold by competitors of *EnergySolutions*.
 - (b) The development of this information by *EnergySolutions* is the result of a significant expenditure of staff effort and a considerable sum of money. To the best of my knowledge and belief, a competitor would have to undergo similar effort and expense in generating equivalent information.
 - (c) In order to acquire such information, a competitor would also require considerable time and inconvenience.
 - (d) The information consists of detailed descriptions, properties and test data. The availability of such information to competitors would enable them to modify their product to better compete with *EnergySolutions*, take marketing or other actions to improve their product's position or impair the position of *EnergySolutions'* product, and avoid developing fabrication data in support of their processes, methods, and/or apparatus.
 - (e) In pricing *EnergySolutions'* products and services, significant research, development, engineering, analytical, licensing, fabrication, quality assurance and other costs must be included. The ability of *EnergySolutions'* competitors to utilize such information without similar expenditure of resources may enable them to sell their product at prices reflecting significantly lower costs.

Further the deponent sayeth not.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on October 19, 2016
Date


Steven E. Sisley
Cask Licensing Manager
EnergySolutions