



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 26, 2018.

Mr. Jeffery D. Isakson
Chief Executive Officer/President
Interim Storage Partners LLC
P.O. Box 1129
Andrews, TX 79714

SUBJECT: APPROVAL OF INTERIM STORAGE PARTNERS REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE—WASTE
CONTROL SPECIALISTS CONSOLIDATED INTERIM STORAGE FACILITY

Dear Mr. Isakson:

By letters dated April 28, 2016 (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML16133A070); August 31, 2016 (ADAMS Accession No. ML16265A454); October 7, 2016 (ADAMS Accession No. ML16294A134); November 16, 2016 (ADAMS Accession No. ML16330A116); December 16, 2016 (ADAMS Accession No. ML16356A346); March 16, 2017 (ADAMS Accession No. ML17082A021); March 31, 2017 (ADAMS Accession No. ML17101A720); June 8, 2018 (ML18166A003); and July 19, 2018 (ADAMS Accession No. ML18206A595), Waste Control Specialists, LLC (WCS) and Interim Storage Partners, LLC (ISP) submitted affidavits requesting that certain information contained in these submittals for the WCS Consolidated Interim Storage Facility be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390.

As applicable, a non-proprietary copy of the submittals was placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room.

The affidavits state that the submitted information should be considered exempt from mandatory public disclosure for the reasons stated below. One or more of these reasons was provided for each submittal described above:

- Discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors, without license, constitutes a competitive advantage over other companies;
- 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;
- Reveals aspects of past, present or future customer-funded development plans and programs of potential commercial value;
- Is transmitted in confidence to the NRC; and

- Represents a significant amount of time and money invested by the applicant in research, development, and engineering and analytical costs to develop the information that is sought to be withheld as proprietary.

We have reviewed your applications and materials in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined, with an exception explained below, that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the versions of the submitted information 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.

With regard to all enclosures to ISP's June 8, 2018, letter, the NRC staff has determined that these enclosures were completely superseded by enclosures provided in ISP's July 19, 2018, submittal. Therefore, the NRC staff finds that, under 10 CFR 2.390(b)(5), the documents enclosed in the June 8, 2018, letter for which ISP requested withholding are deemed irrelevant and unnecessary to the performance of the NRC staff's review functions, and these documents will be returned to the applicant. Since these documents were filed electronically, the NRC staff has determined that return of these documents is achieved by removal of these documents from ADAMS and destruction of any electronic media containing these files.

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 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 301-415-0262.

Sincerely,

/RA/

John-Chau Nguyen, Senior Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

CAC No. 001028
Docket No. 72-1050
EPID No.: L-2017-NEW-0002

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ADAMS Accession No.: ML18360A005

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DATE	11/ 26/2018	11/ 26 /2018	12/21/2018	12/26/2018

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