

Transport Logistics International, Inc.

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March 20, 2019
LTR-20000-100-10

APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT:

Submittal of Document: Submittal of SAR Chapter 1 with Licensing Drawing Change Pages for the Versa-Pac Shipping Package NRC Certificate of Compliance USA/9342/AF-96 Docket 71-9342

Reference: Dahér-TLI document LTR-20000-100-09 dated March 20, 2019

The Application for Withholding Proprietary Information from Public Disclosure is submitted by DAHER - Transport Logistics International, (DAHER-TLI), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to DAHER-TLI and customarily held in confidence.

The proprietary material for which withholding is being requested is referenced within the Safety Analysis Report of the subject amendment application. In conformance with 10 CFR Section 2.390, Affidavit LTR-20000-100-10 accompanies this application for withholding, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information that is proprietary to DAHER-TLI be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commissions regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference LTR-20000-100-09 and should be addressed to Andy Langston, Director of Engineering and Packaging Services, DAHER-TLI, 8161 Maple Lawn Blvd Suite 480, Fulton, Maryland 20759.

Sincerely,

Andy Langston
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Enclosure: Affidavit

AFFIDAVIT

STATE OF MARYLAND

COUNTY OF HOWARD

Before me, the undersigned authority, personally appeared Robert Strang, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of DAHER - Transport Logistics International, (DAHER-TLI), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



Robert Strang
Managing Director
Daher-TLI

Sworn to and subscribe before me

This 20 day of MARCH 2019



Notary Public

- (1) I am the Managing Director, DAHER - Transport Logistics International, "DAHER-TLI", and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with DAHER-TLI submittals to NRC, and am authorized to apply for its withholding on behalf of DAHER-TLI.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the DAHER-TLI "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by DAHER-TLI in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by DAHER-TLI.
 - (ii) The information is of a type customarily held in confidence by DAHER-TLI and not customarily disclosed to the public. DAHER-TLI 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 constitute DAHER-TLI policy and provide 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.) where prevention of its use by any of DAHER-TLI's competitors without license from DAHER-TLI constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of DAHER-TLI, its customers or suppliers.
- (e) It reveals aspects of past, present, or future DAHER-TLI or customer funded development plans and programs of potential commercial value to DAHER-TLI.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the DAHER-TLI system which include the following:

- (a) The use of such information by DAHER-TLI gives DAHER-TLI a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the DAHER-TLI competitive position.
- (b) It is information that may provide DAHER-TLI's competitors with information on the methods and procedures that DAHER-TLI uses to fulfill regulatory and licensing

obligations. The extent to which such information is available to competitors may diminish the need of DAHER-TLI competitors to develop such methods and procedures without comparable investment of time and resources.

- (c) Use by our competitors would put DAHER-TLI at a competitive disadvantage by reducing our competitor's expenditures of resources by allowing them to build upon or utilize methods and procedures developed by DAHER-TLI at great expense.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 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 are product specifications referenced within LTR-20000-100-09, being transmitted by DAHER-TLI attention of NRC Licensing Branch, Division of Spent Fuel Management. This proprietary information as submitted by DAHER-TLI is DAHER-TLI Versa-Pac Safety Analysis Report, Revision 10 Section 1 (with change pages) March 2019, submitted within letter LTR-20000-100-09, dated March 20, 2019 from Philip Sewell to NRC Licensing Branch, Division of Spent Fuel Management.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of DAHER-TLI because it would enhance the ability of competitors to address similar safety, regulatory and licensing issues without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements without purchasing the right to use the information.

In order for competitors of DAHER-TLI to duplicate this information, similar technical and procedural programs would have to be developed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant specific review and approval. In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information DAHER-TLI customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

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If any documents transmitted herewith each bear a DAHER-TLI copyright notice, the NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by DAHER-TLI, copyright protection notwithstanding. With respect to the non-proprietary versions of such documents, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.