

INTERIM STORAGE PARTNERS

July 26, 2019
E-54658

Director, Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Subject: Submission of ISP Draft Responses for Several RAIs and Associated Document Markups from First Request For Additional Information, Part 2, Docket 72-1050 CAC/EPID 001028/L-2017-NEW-0002

- Reference:**
1. Letter from John-Chau Nguyen (NRC) to Jeffery D. Isakson, "Interim Storage Partners LLC's License Application To Construct And Operate The Waste Control Specialists Consolidated Interim Storage Facility, Andrews County, Texas, Docket No. 72-1050 – First Request For Additional Information, Part 2," dated March 6, 2019
 2. Letter from Jack Boshoven to John-Chau Nguyen (NRC), "Interim Storage Partners (ISP) First Request for Additional Information (RAI) Proposed Submittal Schedule, Docket 72-1050 CAC/EPID 001028/L-2017-NEW-0002," E-54395, dated May 31, 2019

Interim Storage Partners LLC hereby submits its draft responses to RAIs from Reference [1] in preparation for meetings to be scheduled with NRC staff for discussion. The draft responses and associated application change pages being submitted are consistent with those identified in Table 2 of Reference [2]. Enclosure 2 (proprietary) contains the draft responses to the RAIs and associated marked up pages for the License Application and Safety Analysis Report. Enclosure 3 (non-proprietary) is the non-proprietary version of Enclosure 2. Affidavits (Enclosure 1) are provided for the proprietary information.

Please note that the referenced calculations and input/output files are not included in this submittal, but will be included when the final responses to these RAIs are submitted following our meetings with the NRC Staff to discuss the draft responses.

NM552D
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The following RAIs, which were listed in Table 2 of Reference [2] for submittal with this batch are being rescheduled for submittal at a later time as listed below.

- RAI NP-4-4, NP-E-1, NP-F-1, NP-F-2, and NP-G-1 will be submitted with Pad RAIs in accordance with the schedule provided Table 2 of Reference [2] as these RAI responses could potentially be impacted by the additional pad analysis being performed
- RAIs NP-13-1, NP-13-2 will be submitted with the CHB RAIs in accordance with the schedule provided Table 2 of Reference [2] as these RAIs may be impacted by the CHB evaluations being performed,
- RAIs NP-E-8, NP-E-9, NP-E-10, NP-F-6, NP-F-7, NP-G-4 and NP-G-5 will be submitted with the CHB RAIs in accordance with the schedule provided in Table 2 of Reference [2]. While these RAIs are not impacted by the CHB analysis, ISP requires a more time to perform the evaluations required to submit complete and high quality responses.

Should you have any questions regarding this submission, please contact me by telephone at (410) 910-6955, or by email at jack.boshoven@orano.group.

Sincerely,



Jack Boshoven
Chief Engineer CISF, Licensing and Engineering
Interim Storage Partners LLC

cc: John-Chau Nguyen, Senior Project Manager, U.S. NRC
Jack Boshoven, ISP LLC
Elicia Sanchez, ISP LLC
Renee Murdock, ISP LLC

Enclosures:

1. Affidavits Pursuant to 10 CFR 2.390
 - a. Interim Storage Partners
 - b. NAC International
2. Draft RAI Responses with associated application change pages (Proprietary)
3. Draft RAI Responses with associated application change pages (Public)

Enclosure 1 to E-54658

Affidavits Pursuant to 10 CFR 2.390

- a. Interim Storage Partners**
- b. NAC International**

AFFIDAVIT PURSUANT
TO 10 CFR 2.390

Interim Storage Partners LLC)
State of Maryland) SS.
County of Howard)

I, Jeffery Isakson, depose and say that I am Chief Executive Officer/President, Interim Storage Partners LLC duly authorized to execute this affidavit, and have reviewed or caused to have reviewed the information that is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.390 of the Commission's regulations for withholding this information.

The information for which proprietary treatment is sought applies to the following documents listed below:

- Enclosure 2 of E-54658 RAI PLC-1 License Application Markup Pages (Section 1.6.4)
- Enclosure 2 of E-54658 RAI NP-D-2 Safety Analysis Report Markup Pages (Sections D.7.3.1.5.1 and D.7.3.1.5.2)
- Enclosure 2 of E-54658 Proprietary RAIs P-5-1, P-5-2, P-5-3, P-9-5, P-9-6, and P-9-7

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Interim Storage Partners LLC in designating information as a trade secret, privileged or as confidential commercial or financial information.

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, included in the above referenced document, should be withheld.

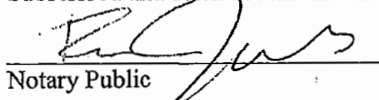
- 1) The information sought to be withheld from public disclosure involves information related to the design of the WCS CISF, which are owned and have been held in confidence by Interim Storage Partners LLC.
- 2) The information is of a type customarily held in confidence by Interim Storage Partners LLC, and not customarily disclosed to the public. Interim Storage Partners LLC has a rational basis for determining the types of information customarily held in confidence by it.
- 3) Public disclosure of the information is likely to cause substantial harm to the competitive position of Interim Storage Partners LLC, because the information consists of descriptions of the design of the WCS CISF and descriptions of the analysis of the WCS CISF, the application of which provide a competitive economic advantage. The availability of such information to competitors would enable them to modify their product or project to better compete with Interim Storage Partners LLC, take marketing or other actions to improve their product's or project's position or impair the position of Interim Storage Partners LLC product or project, and avoid developing similar data in support of their processes, methods or apparatus.

Further the deponent sayeth not.



Jeffery Isakson
Chief Executive Officer/President, Interim Storage Partners LLC

Subscribed and sworn before me this 25th day of July, 2019.


Notary Public

My Commission Expires 10/16/19

RONDA JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 16, 2019



**NAC INTERNATIONAL
AFFIDAVIT PURSUANT TO 10 CFR 2.390**

George Carver (Affiant), Vice President, Engineering and Licensing, hereinafter referred to as NAC, at 3930 East Jones Bridge Road, Norcross, Georgia 30092, being duly sworn, deposes and says that:

1. Affiant has reviewed the information described in Item 2 and is personally familiar with the trade secrets and privileged information contained therein, and is authorized to request its withholding.
2. The information to be withheld includes the following NAC Proprietary Information that is being provided in support of the NRC review of SAR Revision 2 for Interim Storage Partners (ISP) Centralized Interim Storage Facility (CISF) site-specific license application (NRC Docket No. 72-1050).
 - RAI P-9-1
 - RAI P-9-2
 - RAI P-9-3
 - RAI P-9-4
 - RAI P-9-5 - Portions

NAC is the owner of this information that is considered to be NAC Proprietary Information.

3. NAC makes this application for withholding of proprietary information based upon the exemption from disclosure set forth in: the Freedom of Information Act ("FOIA"); 5 USC Sec. 552(b)(4) and the Trade Secrets Act; 18 USC Sec. 1905; and NRC Regulations 10 CFR Part 9.17(a)(4), 2.390(a)(4), and 2.390(b)(1) for "trade secrets and commercial financial information obtained from a person, and privileged or confidential" (Exemption 4). The information for which exemption from disclosure is herein sought is all "confidential commercial information," and some portions may also qualify under the narrower definition of "trade secret," within the meanings assigned to those terms for purposes of FOIA Exemption 4.
4. Examples of categories of information that fit into the definition of proprietary information are:
 - a. 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.
 - b. Information that, 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.
 - c. Information that reveals cost or price information, production capacities, budget levels or commercial strategies of NAC, its customers, or its suppliers.
 - d. Information that reveals aspects of past, present or future NAC customer-funded development plans and programs of potential commercial value to NAC.
 - e. Information that discloses patentable subject matter for which it may be desirable to obtain patent protection.

**NAC INTERNATIONAL
AFFIDAVIT PURSUANT TO 10 CFR 2.390 (continued)**

The information that is sought to be withheld is considered to be proprietary for the reasons set forth in Items 4.a, 4.b, and 4.d.

5. The information to be withheld is being transmitted to the NRC in confidence.
6. The information sought to be withheld, including that compiled from many sources, is of a sort customarily held in confidence by NAC, and is, in fact, so held. This information has, to the best of my knowledge and belief, consistently been held in confidence by NAC. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements, which provide for maintenance of the information in confidence. Its initial designation as proprietary information and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in Items 7 and 8 following.
7. Initial approval of proprietary treatment of a document/information is made by the Vice President, Engineering, the Project Manager, the Licensing Specialist, or the Director, Licensing – the persons most likely to know the value and sensitivity of the information in relation to industry knowledge. Access to proprietary documents within NAC is limited via “controlled distribution” to individuals on a “need to know” basis. The procedure for external release of NAC proprietary documents typically requires the approval of the Project Manager based on a review of the documents for technical content, competitive effect and accuracy of the proprietary designation. Disclosures of proprietary documents outside of NAC are limited to regulatory agencies, customers and potential customers and their agents, suppliers, licensees and contractors with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
8. NAC has invested a significant amount of time and money in the research, development, engineering and analytical costs to develop the information that is sought to be withheld as proprietary. This information is considered to be proprietary because it contains detailed descriptions of analytical approaches, methodologies, technical data and/or evaluation results not available elsewhere. The precise value of the expertise required to develop the proprietary information is difficult to quantify, but it is clearly substantial.

Public disclosure of the information to be withheld is likely to cause substantial harm to the competitive position of NAC, as the owner of the information, and reduce or eliminate the availability of profit-making opportunities. The proprietary information is part of NAC’s comprehensive spent fuel storage and transport technology base, and its commercial value extends beyond the original development cost to include the development of the expertise to determine and apply the appropriate evaluation process. The value of this proprietary information and the competitive advantage that it provides to NAC would be lost if the information were disclosed to the public. Making such information available to other parties, including competitors, without their having to make similar investments of time, labor and money would provide competitors with an unfair advantage and deprive NAC of the opportunity to seek an adequate return on its large investment.


**NAC INTERNATIONAL
AFFIDAVIT PURSUANT TO 10 CFR 2.390 (continued)**

STATE OF GEORGIA, COUNTY OF GWINNETT

Mr. George Carver, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated herein are true and correct to the best of his knowledge, information and belief.

Executed at Norcross, Georgia, this 26 day of July, 2019.



George Carver
Vice President, Engineering and Licensing
NAC International

Subscribed and sworn before me this 26 day of July, 2019.



Notary Public

