

## **Enclosure 1 to E-55865**

### **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                    )  
County of Howard                    )       SS.

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-55865 RAI P-5-1, RAI P-5-2, RAI P-5-3, and RAI P-9-5

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 11<sup>th</sup> day of February, 2020.



\_\_\_\_\_  
Notary Public

My Commission Expires 10 / 16 / 2023

RONDA JONES NOTARY PUBLIC MONTGOMERY COUNTY MARYLAND MY COMMISSION EXPIRES OCT. 16, 2023
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**NAC INTERNATIONAL  
AFFIDAVIT PURSUANT TO 10 CFR 2.390**

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George Carver (Affiant), Vice President, Engineering and Licensing, hereinafter referred to as NAC, at 3930 East Jones Bridge Road, Peachtree Corners, 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).
  - Enclosure 2 to E- 55865, RAI responses to P 9 3

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)**

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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)**

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**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 Peachtree Corners, Georgia, this 11<sup>th</sup> day of February, 2020.



George Carver  
Vice President, Engineering and Licensing  
NAC International

Subscribed and sworn before me this 11 day of FEBRUARY, 2020.

  
Notary Public