

July 13, 2011

Mr. John J. Miller, CHP  
International Isotopes, Inc.  
4137 Commerce Circle  
Idaho Falls, ID 83401

SUBJECT: APPROVAL OF AFFIDAVIT TO WITHHOLD FINANCIAL ASSURANCE  
SUBMITTAL; CALL SUMMARY AND FOLLOW-UP REQUEST FOR ADDITIONAL  
INFORMATION REGARDING THE SEISMIC REVIEW, INTERNATIONAL  
ISOTOPES INC. (TAC L32739)

Dear Mr. Miller:

By letter, dated June 29, 2011 International Isotopes, Inc.'s, (INIS) submitted affidavits and enclosures containing proposed proprietary information to the U.S. Nuclear Regulatory Commission (NRC). The affidavit requested the NRC to withhold from public disclosure, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, the Financial Assurance Response for the follow-up Requests for Additional Information for the proposed INIS Fluorine Products, Inc.'s facility.

The affidavit stated that the proprietary information should be considered exempt from mandatory public disclosure for the following reasons, among others:

1. The information for which protection from disclosure is sought has been held in confidence by INIS.
2. This information is proprietary to INIS, and INIS seeks to protect it as such.
3. The information sought to be withheld is of a type that would customarily be held in confidence by INIS. The information consists of commercial and financial information that provides a competitive advantage to INIS.
4. The information sought to be withheld is being provided to the NRC in confidence; and under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
5. The information sought to be withheld is not available in public sources to the best of INIS's knowledge and belief.
6. Public disclosure of the proprietary information INIS seeks to protect is likely to cause substantial harm to INIS's competitive position within the meaning of 10 CFR 2.390(b)(4)(v). The proprietary information has substantial commercial value to INIS.

We reviewed the affidavit in accordance with the requirements of 10 CFR 2.390—and concluded that the information designated proprietary may be withheld.

Withholding the proprietary information from public release shall not affect the right, if any, of persons properly and directly authorized to review the documents. If the basis for withholding this information from public inspection should change in the future such that the information could then be made publicly available, you should promptly notify the NRC. You should also 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 in advance of any public disclosure.

**Meeting Summary and Request for Additional Information:**

On July 6, 2011 the NRC staff held a conference call with INIS to discuss the seismic portion of the review. The participants were as follows:

**NRC**

Mita Sircar  
Asad Chowdhury  
Matthew Bartlett

**INIS**

John Miller  
Jim Thomas  
Tommy Thompson

The NRC staff requested INIS to provide a qualitative description of the columns and floor structure, including drawings which indicate which portions of the building would be steel and which portions would be concrete. Other information that would facilitate the staff's review include: qualitative information on the types of beams, the building skin, the major equipment layout, lateral force resisting systems, load bearing elements, and horizontal and vertical cross sections. INIS provided verbal responses for portions of this information and indicated a new structural drawing would be provided to address these items in response to the follow-up Seismic RAIs.

The seismic reviewer indicated that an additional follow-up RAI was needed to obtain information regarding RAI SS-7(5). The follow-up RAI is included as an Enclosure to this letter. The RAI should be incorporated into the package of follow-up Seismic RAIs.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and the affidavit will be available electronically for public inspection from the Publicly Available Records System component of the ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (Web-based ADAMS).

If you have any questions regarding this matter, please contact me at (301) 492-3119 or via e-mail to [Matthew.Bartlett@nrc.gov](mailto:Matthew.Bartlett@nrc.gov).

Sincerely,

***/RA/***

Matthew Bartlett, Project Manager  
Conversion, Deconversion  
and Enrichment Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosure  
Additional Follow-up RAI  
for Seismic Issues

Docket No. 40-9086

If you have any questions regarding this matter, please contact me at (301) 492-3119 or via e-mail to [Matthew.Bartlett@nrc.gov](mailto:Matthew.Bartlett@nrc.gov).

Sincerely,

**/RA/**

Matthew Bartlett, Project Manager  
Conversion, Deconversion  
and Enrichment Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
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<b>NAME:</b>	MBartlett	LAllen	TLiu
<b>DATE:</b>	07/13/2011	07/13/2011	07/13/2011

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## **Additional Follow-up Request for Additional Information for Seismic Issues**

**SS-F1-6 Background:**

Follow-up to SS-7 #5, RAI on Load Combinations

**Issue:**

(i) The response to Item 5 of SS-7 proposed to use ACI 349-06 Section 9.2.1 load combination numbers 9-6 and 9-7 for extreme load cases for the strength design method for IROFS involving concrete structures, in addition to all 7 load combinations listed in Section 2.3.2 of ASCE/SEI 7-05. The load combination numbers 9-6 and 9-7 represent only 2 of the 9 load combinations described in ACI 349-06 Section 9.2.1.

(ii) The RAI response also proposed the use of AISC N690-06 Section 6.3 load combination numbers NB2-15 and NB2-16 for extreme load cases for the allowable strength design method for IROFS involving steel structures, in addition to all 7 load combinations listed in Section 2.3.2 of ASCE/SEI 7-05. The load combination numbers NB2-15 and NB2-16 represent 2 of the 4 load combinations described in AISC N690-06 Section 6.3.

**Request:**

Justify that the limited number of selected load combinations provide bounding hazard conditions for all: (i) 9 load combinations of ACI 349-06 Section 9.2.1 for the extreme load cases for the strength design method for IROFS involving concrete structures and (ii) 4 load combinations of AISC N690-06 Section 6.3 for the extreme load cases for the allowable strength design method for IROFS involving steel structures.

**Special Note:**

Regulatory Guide (RG) 1.142 endorses ACI 349 with certain exceptions. The NRC recommends these exceptions to be applied for the design of structures when applicable. The current version of RG 1.142, Revision 2, November 2001 endorses ACI 349 97 with exceptions. However, RG 1.142, Revision 2 is under revision to endorse ACI 349 06 with the same exceptions.