



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

August 6, 2018

Mr. William L. Ransohoff
President
Neutron Products, Inc.
P.O. Box 68
22301 Mt. Ephraim Road
Dickerson, MD 20842

SUBJECT: NEUTRON PRODUCTS, INC. CERTIFICATE OF COMPLIANCE NO. 9215 –
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID NO. L-2018-LLA-0133)

Dear Mr. Ransohoff:

By letter to the U.S. Nuclear Regulatory Commission (NRC), dated May 7, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18127B735), you submitted an affidavit dated May 7, 2018, executed by you, requesting that the information contained in the following proprietary drawings for the Certificate of Compliance No. 9215 (Model No. NPI-20WC-6MkII) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

- Drawing No. 240116, Revision J, "Overpack USA/9215 B(U) Package."
- Drawing No. 240122, Sheets 1 and 2, Revision H, "Shipping/Transfer Cask Model S/TC MKII."

Your affidavit dated May 7, 2018, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. I am President of Neutron Products, Inc., and, in that capacity, have a responsibility to protect the company's proprietary information.
2. The intent of this Affidavit is to comply with the provisions of 10 CFR 2.390, Public Inspections, Exemptions, Requests for Withholding, in order that the proprietary information of Neutron Products submitted to the NRC may be withheld from public disclosure.
3. I have personal knowledge of the company's policies regarding the designation and protection of its proprietary information.

4. The documents which we request be withheld from public disclosure are the drawings associated with our Consolidated Application for Renewal of Certificate of Compliance USA/9215/B(U).
5. The drawings show details of packaging used for the shipment of radioactive materials. The packaging was designed and developed by the company at considerable expense, the company derives revenue from the use of the packaging, and competitors could benefit - to the detriment of the company- by acquiring copies of the information contained in the drawings.
6. The company has always considered the drawings to be proprietary, confidential information and, as such, the drawings bear the following:

"This document and all data contained herein is the property of Neutron Products, Inc. and is supplied in confidence only under the express conditions that it will be used only for the purpose intended and that it will not be reproduced or transmitted to others without written authorization and that it is to be returned upon demand."

7. We have often protected the proprietary nature of this (and other) drawing(s) by denying requests from others in the industry for complete copies of the drawings, if we do not believe it to be in the company's interest to provide them.
8. The referenced drawings are not available from public sources. However, the packaging is used in commerce and can be seen by the public, for example when secured to a flatbed trailer in the course of transportation. As such, the company does not object to the public release of generic, dimensionless drawings, and I have included copies of such drawings with the information submitted to the NRC.
9. The drawings being submitted to the NRC are appropriately labeled as containing proprietary information.
10. The company currently derives revenue from the use of the packaging depicted in the referenced drawings, both in the course of making its own shipments, and from the use of the packaging by others. Although competitors would not be able to fabricate the packaging from the drawing due to regulatory constraints, the information contained in the drawing could be used by competitors to assist their efforts to design and fabricate their own packaging. Such a development would adversely affect the company's business in a material way.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) 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.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this

information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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 301-415-1564 or Siva.Lingam@nrc.gov.

Sincerely,

/RA/

Siva P. Lingam, Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9215
EPID No. L-2018-LLA-0133

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(EPID NO. L-2018-LLA-0133), DOCUMENT DATE: August 6, 2018

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ADAMS Accession No.: ML18218A070

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