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July 7, 2009

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-001

**Subject: ALION Science & Technology – Proprietary Test Report
GSI-191 Low Density Fiberglass Erosion Testing**

Alion Science & Technology appreciates the opportunity to provide the subject documents (see Enclosure 1 & 2) to the NRC GSI-191 Resolution Project for consideration. This document is proprietary and confidential in nature as is submitted under 10 CFR 2.390 and requested to be withheld from public disclosure. Included in this transmittal is an affidavit regarding the proprietary nature of the document.

By way of this transmittal, we hope this resolves any questions from Mr. Mike Scott and/or any of his staff members on the applicability of this test data to support the resolution to GSI-191 for several PWR licensees.

Should you have any technical questions, please call me at 630.393.1215 x417 or email at rchoromokos@alionscience.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Choromokos', written in a cursive style.

Robert Choromokos
Manager, Energy Services Division

cc: Joe Golla
Mike Scott

- Enclosures:
- 1) ALION-REP-LAB-2352-77, "Test Report: Erosion Testing of Low Density Fiberglass Insulation," Revision 3 dated December 15, 2008
 - 2) ALION-PLN-LAB-2352-77, "Test Plan for the Erosion Testing of Low Density Fiberglass Insulation and High Density Fiberglass Insulation," Revision 3 dated December 19, 2006.
 - 2) Affidavit of Confidentiality by Robert Choromokos dated July 7, 2009.

ADD
NRR



AFFIDAVIT

I, **Robert P. Choromokos**, state as follows:

- (1) I am Manager, Energy Services, ALION Science & Technology ("Alion") and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in ALION Science & Technology documents 1) ALION-REP-LAB-2352-77, "Test Report: Erosion Testing of Low Density Fiberglass Insulation," Revision 3 dated December 15, 2008 and 2) ALION-PLN-LAB-2352-77, "Test Plan for the Erosion Testing of Low Density Fiberglass Insulation and High Density Fiberglass Insulation," Revision 3 dated December 19, 2006.
- (3) In making this application for withholding of proprietary information of which it is the owner, Alion relies 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 9.17(a)(4), and 2.390(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which 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 Alion's competitors without license from Alion constitutes a competitive economic advantage over other companies;
 - b. Information which, if used 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 of a similar product;
 - c. Information which reveals aspects of past, present, or future Alion customer-funded development plans and programs, resulting in potential products to Alion;
 - d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set



forth in paragraphs (4) a, and (4) b, above.

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by Alion, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Alion, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to 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 paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Alion is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Alion are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The document identified in paragraph (2), above, is classified as proprietary because it contains "know-how" and "unique data" developed by Alion within our research and development programs. The development of this document, supporting methods and data constitutes a major Alion asset in this current market.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Alion's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Alion's comprehensive BWR/PWR GSI-191 analysis base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and experimental methodology and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, analytical and experimental costs comprise a substantial investment of time and money by Alion.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.



Alion's competitive advantage will be lost if its competitors are able to use the results of the Alion experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Alion would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Alion of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 7th day of July 2009.

A handwritten signature in black ink, appearing to read 'Robert P. Choromokos', written over a horizontal line.

Robert P. Choromokos
Manager, Energy Services
ALION Science & Technology