

UNIVERSITY *of* MISSOURI

RESEARCH REACTOR CENTER

10 CFR 2.390 AFFIDAVIT OF RALPH A. BUTLER

AFFIDAVIT

I, **Ralph A. Butler**, herby affirm and state as follows:

- (1) I am the Director, of University of Missouri Research Reactor (MURR), and I have been authorized to execute this affidavit on behalf of MURR.
- (2) The information contained in the enclosed letter dated June 6, 2012 is proprietary commercial information related to MURR becoming a domestic supplier of Molybdenum 99. The proprietary information includes sensitive business information created by or for MURR. This information should be held in confidence by the NRC and withheld from public disclosure.
- (3) In making this application for withholding of proprietary information of which it is the owner, MURR believes that the information qualifies for withholding under the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552(b)(4), the Trade Secrets Act, 18 U.S.C. Section 1905, and NRC regulations 10 CFR 9.17(a)(4) and 2.390(a)(4) for trade secrets and commercial information because:
 - i. This information is and has been in confidence by MURR.
 - ii. This information is of a type that is customarily held in confidence by MURR, and there is a rational basis for doing so because the information includes sensitive business information pertain
 - iii. The information is being transmitted to the NRC voluntarily and in confidence.
 - iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
 - v. Public disclosure of this information would create substantial harm to the competitive position of MURR by disclosing certain business decisions MURR has made or is considering and the analysis that went behind those decisions. Development and evaluation of this commercial information was achieved at, and disclosure could lead to additional, significant cost to MURR.
 - vi. Public disclosure of the information sought to be withheld is likely to cause substantial harm to MURR'S competitive position and foreclose or reduce the availability of profit-making opportunities. The value of the information goes beyond the disclosure of actual information pertaining to MURR's potential business, and includes substantial time and work towards developing the project, and represents significant efforts by MURR and its associates. The research, development, engineering, and analytical costs comprise a substantial investment of time and money by MURR. The precise value of the information is difficult to quantify, but clearly is substantial.
 - vii. MURR's competitive advantage will be lost if its competitors are able to use the results of MURR's activities to aid their own commercial activities. The value of this information to MURR would be lost if the information were disclosed to the public. Making such



information available to other entities without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive MURR of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment.



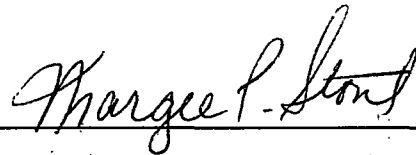
Ralph A. Butler

Subscribed and sworn before me, a Notary Public, in and for the State of Missouri, this 6 day of June 2012.

Witness my hand and Notarial Seal.



MARGE P. STOUT
My Commission Expires
March 24, 2016
Montgomery County
Commission #12511436



Notary Public

My Commission Expires: 3/24/16

6/6/12

Date