

August 9, 2012

Mr. Dario Brisighella, President
Aerotest Operations, Inc.
3350 Airport Road
Ogden, UT 84405

Dr. David M. Slaughter, Chief Executive Officer
Nuclear Labyrinth LLC
10874 South Bay Meadow Circle
Sandy, UT 84092

SUBJECT: AEROTEST OPERATIONS, INC. AND NUCLEAR LABYRINTH LLC - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME8811)

Dear Mr. Brisighella and Dr. Slaughter:

By letter dated July 19, 2012, you submitted an affidavit dated July 19, 2012, executed on July 17, 2012, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

“Response to Request to Aerotest Operations, Inc. and Nuclear Labyrinth LLC to Supplement the License Transfer Application (TAC NO. ME8811)”

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure are sections of the Response to Request to Aerotest Operations, Inc. and Nuclear Labyrinth LLC to Supplement the License Transfer Application dated July 19, 2012 submitted by Aerotest Operations Inc. and Nuclear Labyrinth marked as Business Confidential including Attachment (1).
2. The persons making this request are Dario Brisighella of Aerotest and Dr. David M. Slaughter of Nuclear Labyrinth.
3. The basis for proposing that the information be withheld from public disclosure is that the information marked as Business Confidential contained in the Response is confidential business and financial information of Aerotest and Nuclear Labyrinth, which information has been held in confidence by Aerotest and Nuclear Labyrinth, is a type customarily held in confidence, is not available in public sources, and if publicly disclosed would be likely to cause substantial harm to the competitive position of Aerotest and Nuclear Labyrinth taking into account the value of the information, the amount of effort and money expended by Aerotest and Nuclear Labyrinth in developing the information and the

- difficulty with which the information could be acquired or duplicated by others;
4. If such information was disclosed to the public, Aerotest and Nuclear Labyrinth believe that competitive harm would result;
 5. The Response has been marked to show locations of the information sought to be withheld.

With your letter dated July 19, 2012, you submitted a copy of the response redacting the confidential information. The non-proprietary version of the response is in Agencywide Documents Access and Management System under Accession number ML122021201.

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

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 in advance of any public disclosure.

If you have any questions, please contact, Spyros Traiforos, Project Manager at (301) 415-3965.

Sincerely,

/RA/

Alexander Adams, Senior Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-228

cc: See next page

difficulty with which the information could be acquired or duplicated by others;

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Sincerely,

/RA/

Alexander Adams, Senior Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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*** via email**

NRR-106

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DATE	8/7/12	8/8/12	8/7/2012	8/9/12	8/9/12

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Aerotest Operations, Inc.
cc:

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