

## AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, Mark B Johnson, Managing Director of Croft Associates Limited (Croft) hereby affirm and state

1. I have been specifically delegated the function of reviewing the information sought to be withheld and am authorized to apply for its withholding on behalf of Croft.
2. Croft is providing NRC with detailed drawings, gas generation and nuclide generation information as part of the Safeg-HS 3977A SARP submission Docket No 71-9338. The detailed drawings, gas generation and nuclide generation listings within the Atkins and BNL reports contain proprietary commercial information.
3. The information sought to be withheld pursuant to the provisions of paragraph (a)(4) of 10 CFR 2.390 are these detailed drawings, the gas generation calculation, the nuclide generation information contained in the Atkins Shielding report and BNL Fluka report which are marked as follows in the SARP submissions "Proprietary information submitted under 10 CFR 2.390 to be withheld from public disclosure under 10 CFR 2.390".
4. The detailed drawings, gas generation report, Atkins shielding report and the BNL Fluka report should be held in confidence by the NRC based on paragraph (b)(4) of 10 CFR 2.390 because:
  - i) This information is and has been held in confidence by Croft.
  - ii) This information is of a type that is customarily held in confidence by Croft and there is a rational basis for doing so because this information if released might result in the loss of an existing or potential competitive advantage as follows.
    - a. The information reveals the distinguishing aspects of the design and the prevention of its use by Croft's competitors gives Croft a competitive economic advantage.
    - b. The information, if used by a competitor, is likely to reduce the competitor's expenditure of resources or improve their advantage in the design, quality and manufacture of a similar product.
  - iii) This information is being transmitted to the NRC voluntarily and in confidence.
  - iv) This information is not available in public sources.
  - v) Public disclosure of this information is likely to cause substantial harm to the competitive position of Croft because of the reasons outlined below.
    - a. Similar products are manufactured and sold by competitors of Croft.
    - b. The development of this information by Croft is the result of significant expenditure of staff effort and a considerable amount of money. It is my belief that a competitor would have to undertake similar effort and expense to generate equivalent information.
    - c. In order to generate such information, a competitor would also require considerable time.

- d. If a competitor used this information and did not have to undertake the work required to generate this information they are likely to have lower overall costs and so are likely to have an unfair economic advantage over Croft in offering a similar product to the market
5. Accordingly, Croft requests that the designated information be withheld from public disclosure pursuant to paragraph (a)(4) of 10 CFR 2.390.



Executed on September, 2019

Mark B Johnson  
Managing Director  
Croft Associates Limited

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