



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

February 13, 2020

Mr. Michael J. Grogan, Sr.
Director, Licensing, Safety,
and Nuclear Compliance
General Atomics
3550 General Atomics Court
San Diego, CA 92121

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE RE: DOCUMENTS IN SUPPORT OF LICENSING REQUESTS
INITIATED BY THE UNIVERSITY OF MASSACHUSETTS LOWELL
(EPID NO. L-2015-RNW-0001)

Dear Mr. Grogan:

By letter dated January 8, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20017A155), General Atomics (GA) submitted, to the U.S. Nuclear Regulatory Commission (NRC), documents related to its NMP-1000 Multi-Range Linear Module. GA's letter stated that these documents were being submitted in support of licensing requests, planned or pending, with the NRC initiated by the University of Massachusetts Lowell (UML).

The NRC staff notes that, by letter dated October 20, 2015 (ADAMS Accession No. ML16042A015), as supplemented, UML submitted an application for the renewal of Facility Operating License No. R-125 for the UML Research Reactor (UMLRR) to the NRC. UML's application included a request for NRC review and approval of digital instrumentation and control upgrades using the GA NMP-1000 Multi-Range Linear Module in conjunction with the UMLRR license renewal.

The GA letter included an affidavit, executed by Dr. Jerome Gormley, Director of Strategic Development, Undersea and Nuclear Programs, at GA, requesting that information contained in the following 10 documents (redacted and un-redacted versions of 5 different documents), provided as enclosures to GA's letter, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholding," because GA considers it to be confidential commercial information:

1. E117-1017 Rev 1, NMP1000 Operations and Maintenance Manual NMP-1000 Linear Power Channel – Redacted
2. E117-1017 Rev 1, NMP1000 Operations and Maintenance Manual NMP-1000 Linear Power Channel
3. T9S900D970-CMP Rev A, Software Configuration Management Plan – Redacted
4. T9S900D970-CMP Rev A, Software Configuration Management Plan

5. T9S900D970-SWP-2 Rev A, Software Development Plan – Redacted
6. T9S900D970-SWP-2 Rev A, Software Development Plan
7. T9S900SQAP Rev B, Software Quality Assurance Plan, TRIGA Control System-Redacted
8. T9S900SQAP Rev B, Software Quality Assurance Plan, TRIGA Control System
9. T3401000-1UM Rev B, NMP-1000, Multi-Range Linear User Manual – Redacted
10. T3401000-1UM Rev B, NMP-1000, Multi-Range Linear User Manual

By electronic mail dated January 28, 2020 (ADAMS Accession No. ML20035F640), GA clarified that it only intended to request that the unredacted documents (documents 2, 4, 6, 8, and 10 listed above) be withheld. By electronic mail dated January 31, 2020 (ADAMS Accession No. ML20035F640), GA further clarified that it did not object to documents 1 and 9 listed above, which indicate that they are copyrighted by GA, being placed in public ADAMS. Additionally, in its electronic mail dated January 31, 2020, GA clarified that it did not intend to redact any of the information in document 8 listed above, and document 7 listed above (which the NRC noted contains no redactions of information in document 8 except for a blacked out proprietary legend on a cover page) may be placed in public ADAMS.

Accordingly, documents 1, 3, 5, 7, and 9 listed above, which are non-proprietary copies of the 5 different documents submitted by GA, have been placed in the NRC's Public Document Room and added to the NRC Library (ADAMS Accession Nos. ML20017A151, ML20017A146, ML20017A147, ML20017A145, and ML20017A149, respectively).

GA's affidavit, in paragraphs (6) through (10), stated that the submitted information should be exempt from mandatory public disclosure for the following reasons:

- (6) The information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence, is of a sort customarily held in confidence by General Atomics, 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 General Atomics. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the 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 (7) and (8) following.
- (7) 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 General Atomics is controlled to protect it from unauthorized disclosure.
- (8) 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 designee), and by the Legal Department, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside General Atomics 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 for protecting the information from further disclosure.

- (9) The information classified as proprietary was developed and compiled by General Atomics at a significant cost to General Atomics. This information is classified as proprietary because it contains detailed historical data and analytical results not available elsewhere. This information would provide other parties, including competitors, with information from General Atomics technical database and the results of evaluations performed using codes developed by General Atomics. Release of this information would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by General Atomics to develop this information.
- (10) Public disclosure of the information sought to be withheld is likely to cause substantial harm to General Atomics' competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of General Atomics comprehensive research and test reactor nuclear instrumentation technology base, and its commercial value extends beyond the original development cost.

The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

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

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

General Atomics competitive advantage will be lost if its competitors are able to use the results of the General Atomics' experience to normalize or verify [*sic*] 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 NRC staff has reviewed GA's January 8, 2020, submittal in accordance with the requirements of 10 CFR 2.390, and on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information indicated as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) as well as 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, the NRC staff may send copies

of this information to its consultants working in this area. The NRC staff will ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding information from public inspection should change in the future such that the information could then be made available for public inspection, GA should promptly notify the NRC. GA also should understand that the NRC may have cause to review this determination in the future if, for example, 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, GA will be notified in advance of any public disclosure.

The regulations in 10 CFR 2.390(b)(1)(i) contain document marking requirements that must be followed by anyone submitting a document to the NRC who seeks to have the document, or a portion of it, withheld from public disclosure because it contains trade secrets, privileged, or confidential commercial or financial information. Please ensure that future submissions to the NRC for which withholding from public disclosure is requested meet the document marking requirements in 10 CFR 2.390(b)(1)(i). In accordance with 10 CFR 2.390(b)(1), the NRC has no obligation to review documents not so marked to determine whether they contain information eligible for withholding under 10 CFR 2.390(a), and any documents not so marked may be made available to the public.

Additionally, when non-proprietary documents (e.g., redacted versions of documents) are submitted, any and all proprietary markings or legends on the documents (including any markings or legends on cover pages, etc.) should be struck or blacked out.

If you have any questions regarding this review, please contact me at (301) 415-4067, or by electronic mail at Edward.Helvenston@nrc.gov.

Sincerely,

/RA/

Edward Helvenston, Project Manager
Non-Power Production and Utilization Facility
Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No. 50-223
License No. R-125

cc: See next page

University of Massachusetts - Lowell

Docket No. 50-223

cc:

Mayor of Lowell
City Hall
Lowell, MA 01852

Mr. Leo Bobek
Reactor Supervisor
University of Massachusetts - Lowell
One University Avenue
Lowell, MA 01854

Department of Environmental Protection
One Winter Street
Boston, MA 02108

Jack Priest, Director
Radiation Control Program
Department of Public Health
Schrafft Center, Suite 1M2A
529 Main Street
Charlestown, MA 02129

Ms. Samantha Phillips, Director
Massachusetts Emergency Management Agency
400 Worcester Road
Framingham, MA 01702-5399

Test, Research and Training
Reactor Newsletter
Attention: Ms. Amber Johnson
Department of Materials Science
and Engineering
University of Maryland
4418 Stadium Drive
College Park, MD 20742-2115

Dr. Partha Chowdhury, Director
Nuclear Radiation Laboratory
University of Massachusetts-Lowell
One University Avenue
Lowell, MA 01854

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
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ADAMS Accession No.: ML20036E501 *concurrence via e-mail NRR-084

OFFICE	NRR/DANU/PM*	NRR/DANU/LA*	NRR/DANU/BC	NRR/DANU/PM
NAME	EHelvenston	NParker	GCasto	EHelvenston
DATE	2/12/20	2/12/20	2/13/20	2/13/20

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