

Enclosure 4 – Available to the Public
Affidavit for Proprietary Information

USUHS/AFRRI
Attn: Andrew Cook
4301 Jones Bridge Rd, Bldg 42
Bethesda, MD 20814

Subject: Request by General Atomics to Withhold Certain Information from Public Disclosure under 10CFR2.390

Reference: Licensing Request for the Armed Forces Radiobiology Research Institute (AFRRI) TRIGA Reactor

Mr. Cook,

General Atomics (GA) hereby submits the following documents related to its Instrumentation and Control System in support of licensing requests, planned or pending, with the U.S. Nuclear Regulatory Commission initiated by AFRRI:

License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Marked for Redaction

License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Redacted

Supplemental Information for the License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Marked for Redaction

Supplemental Information for the License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Redacted

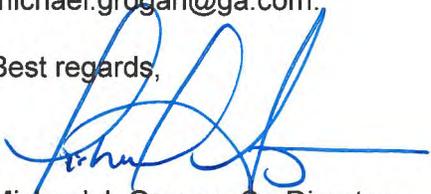
Proposed Safety Analysis Report Chapter 7 - INSTRUMENTATION AND CONTROL SYSTEMS – Marked for Redaction

Proposed Safety Analysis Report Chapter 7 - INSTRUMENTATION AND CONTROL SYSTEMS – Redacted

The enclosed documents include GA proprietary commercially strategic information which GA has held in confidence, and which is not available through public sources. Accordingly, GA is submitting this document in confidence and, as set forth in the enclosed affidavit of Dr. Jerome Gormley, GA requests that this information be treated as proprietary information under the provisions of 10CFR2.390 and be withheld from public disclosure. The enclosed affidavit addresses specifically the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the of the NRC's regulations.

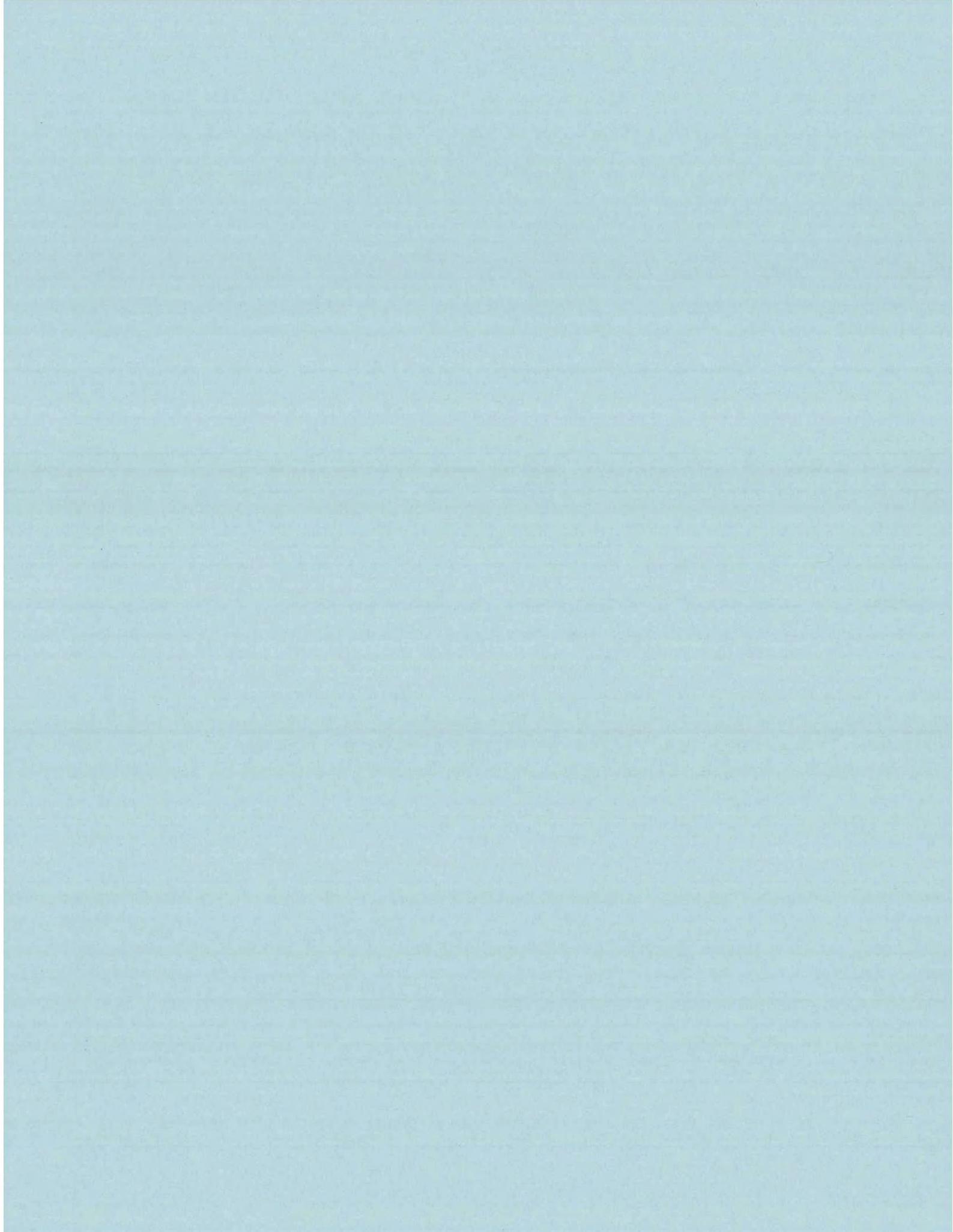
If you have questions regarding this submittal, please do not hesitate to contact Dr. Gormley at (858) 964-6957 or jerome.gormley@ga.com, or me at (858) 455-2809 or michael.grogan@ga.com.

Best regards,

A handwritten signature in blue ink, appearing to read "M. Grogan", with a long horizontal flourish extending to the right.

Michael J. Grogan, Sr. Director
Licensing, Safety and Nuclear Compliance

Enclosures: 1) Affidavit of Dr. Gormley
2) Copies of documents listed in text



STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

AFFIDAVIT OF Jerome Gormley

I, Jerome Gormley, Director of Strategic Development, Nuclear Programs of General Atomics, do hereby affirm and state:

- (1) I have been delegated the function of reviewing the information sought to be withheld by General Atomics and I am authorized to execute this affidavit on behalf of General Atomics.
- (2) The affidavit is submitted under the provisions of 10CFR Part 2.390 in order to withhold the enclosed confidential commercial information (as set forth in paragraph 3 following) of General Atomics from public disclosure or publication.
- (3) The information sought to be withheld is related to General Atomics' Instrumentation and Control System and is contained in the documents designated as:

License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Marked for Redaction

License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Redacted

Supplemental Information for the License Amendment Request for the Upgrade of the Instrumentation and Control System for the Armed Forces Radiobiology Research Institute TRIGA Reactor – Marked for Redaction

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Proposed Safety Analysis Report Chapter 7 - INSTRUMENTATION AND CONTROL SYSTEMS – Marked for Redaction

Proposed Safety Analysis Report Chapter 7 - INSTRUMENTATION AND CONTROL SYSTEMS – Redacted

- (4) In making this application for withholding of proprietary information of which it is the owner, General Atomics 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 10CFR Part 9.17(a)(4) and 2.390(a)(4) for "trade secrets and commercial or financial information obtained

from a person and privileged or confidential." The material for which exemption from disclosure is hereby sought is all "confidential commercial information," and some portions 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).

- (5) 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 General Atomics' competitors without license from General Atomics constitutes a competitive economic advantage over other companies;
 - b. Information which, if used by a competitor, would reduce his or her expenditure of resources or improve his or her competitive position in the design, manufacture, shipment, installation, assurance or quality, or licensing of a similar product.
 - c. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.
- (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 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.

GENERAL ATOMICS

Jerome Gormley
Jerome Gormley
Director of Strategic Development, Nuclear Programs

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



Subscribed and sworn to before me on this

14 day of October, 2021, by

Jerome Gormley,

proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature Karen R. Schultz

