

AFFIDAVIT PURSUANT TO 10 CFR 2.390

STATE OF SOUTH CAROLINA

BARNWELL COUNTY:

I, Aleksandr Gelfond, depose and say as follows:

- (1) I am Director of Engineering/Licensing, Cask Division of Energy*Solutions*, and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been duly authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the document listed in Table 1. This document has been appropriately designated as proprietary.

TABLE 1

Document No.	Document Title	Rev/Date
N/A	F. Blanjaar, et. al., "Radiolytic gas formation in Mallinckrodt produced Mo99 solutions" (Attachment to Section 3.5.5 of the MIDUS Transportation Package Safety Analysis Report, TYC01-1600, Rev. 7)	Version 2.2, January 2006
N/A	F. Blanjaar, et. al., "Hydrogen generation in Mallinckrodt produced Mo99 solutions" (Attachment to Section 3.5.6 of the MIDUS Transportation Package Safety Analysis Report, TYC01-1600, Rev. 7)	Version 2.3, April 2006

- (3) I have personal knowledge of the criteria and procedures used by Energy*Solutions* in designating information as trade secret, privileged, or as confidential commercial or financial information.

(4) Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, including the information as designated in paragraph (2) above, should be withheld.

(i) The information sought to be withheld from public disclosure is included in the report documenting information which is owned and has been held in confidence by *EnergySolutions*.

(ii) The information is of a type customarily held in confidence by *EnergySolutions* and not customarily disclosed to the public. *EnergySolutions* has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes *EnergySolutions*' policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

(a) The information reveals the distinguishing aspects of a process or component, structure, tool, method, etc., and the prevention of its use by *EnergySolutions*' competitors, without license from *EnergySolutions*, gives *EnergySolutions* a competitive economic advantage.

(b) The information consists of supporting data (including test data) relative to a process or component, structure, tool, method, etc. and gives *EnergySolutions* a competitive economic advantage, e.g., by optimization or improved marketability.


- (c) The information, if used by a competitor, would reduce the competitor's expenditure of resources or improve the competitor's advantage in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - (d) The information reveals cost or price information, production capacities, budget levels, or commercial strategies of *EnergySolutions*, its customers or suppliers.
 - (e) The information reveals aspects of past, present, or future *EnergySolutions* or customer funded development plans and programs of potential commercial value to *EnergySolutions*.
 - (f) The information contains patentable ideas, for which patent protection may be desirable.
 - (g) The information is third-party Proprietary Information.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
 - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked and being transmitted by *EnergySolutions* to the Document Control Desk. The proprietary information has been presented to the Nuclear Regulatory Commission and is being voluntarily provided by *EnergySolutions*.

- (vi) Public disclosure of the information is likely to cause substantial harm to the competitive position of *EnergySolutions* because:
- (a) Similar products are manufactured and sold by competitors of *EnergySolutions*.
 - (b) The development of this information by *EnergySolutions* is the result of a significant expenditure of staff effort and a considerable sum of money. To the best of my knowledge and belief, a competitor would have to undergo similar effort and expense in generating equivalent information.
 - (c) In order to acquire such information, a competitor would also require considerable time and inconvenience.
 - (d) The information consists of detailed descriptions, properties and test data. The availability of such information to competitors would enable them to modify their product to better compete with *EnergySolutions*, take marketing or other actions to improve their product's position or impair the position of *EnergySolutions*' product, and avoid developing fabrication data in support of their processes, methods, and/or apparatus.
 - (e) In pricing *EnergySolutions*' products and services, significant research, development, engineering, analytical, licensing, fabrication, quality assurance and other costs must be included. The ability of *EnergySolutions*' competitors to utilize such information without similar expenditure of resources may enable them to sell their product at prices reflecting significantly lower costs.

Further the deponent sayeth not.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on 03/23/2022
Date


Aleksandr Gelfond
Director of Engineering/Licensing
Cask Division
EnergySolutions