

# UNIVERSITY *of* MISSOURI

## RESEARCH REACTOR CENTER

10 CFR 2.390 AFFIDAVIT OF RALPH A. BUTLER

### AFFIDAVIT


I, Ralph Butler, hereby affirm and state as follows:

- (1) I am the Director of University of Missouri Research Reactor (MURR), and I have been authorized to execute this affidavit on behalf of MURR.
- (2) The information contained in Attachment B of the enclosed letter dated 10 August 2012 is proprietary information related to MURR's client relationships and the economic impacts of MURR's shipment schedule. This information includes sensitive business information created by or for MURR. This information should be held in confidence by the NRC and withheld from public disclosure.
- (3) In making this application for withholding of proprietary information of which it is the owner, MURR believes that the information qualifies for withholding under the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Section 552(b)(4), the Trade Secrets Act, 18 USC Section 1905, and NRC regulations 10 CFR 9.17(a)(4) and 2.390 (a)(4) for trade secrets and commercial information because:
  - i. This information is and has been held in confidence by MURR.
  - ii. This information is of a type that is customarily held in confidence by MURR, and there is a rational basis for doing so because the information includes sensitive business information supplied by clients. Companies do not share information regarding their supply chain with their competitors, and potential disruptions to the supply chain could lead to a significant competitive disadvantage. In addition, the information supplied in the material to be withheld includes isotope names and recipient names and addresses along with frequency of shipments. This detailed shipping information is maintained as confidential by MURR not only due to its business sensitivity, but also as a measure of Type B radioactive materials security.
  - iii. The information is being transmitted to the NRC voluntarily and in confidence.
  - iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
  - v. Public disclosure of this information would create substantial harm to the competitive position of MURR by disclosing details of certain business decisions and the details of MURR's product lines and their import in diverse



national and international markets. This commercial information reflects confidential business relationships.

- vi. Public disclosure of the information sought to be withheld is likely to cause substantial harm to MURR's competitive position and foreclose or reduce the availability of profit-making opportunities. The value of the information includes substantial time and work towards developing the projects and represents significant efforts by MURR and its associates. The research, development, engineering, and analytical costs behind each product comprise a substantial investment of time and money by MURR. The precise value of the information is difficult to quantify, but clearly is substantial.
- vii. MURR's competitive advantage will be negatively affected if its competitors are able to use information regarding MURR's activities to aid their own commercial activities. The value of this information to MURR would be lost if the information were disclosed to the public. Making such information public would provide an unfair advantage to other members of the markets in which MURR participates, and would provide information regarding the business practices and market position of the affected partners.


  
Ralph A. Butler

Subscribed and sworn before me, a Notary public, in and for the State of Missouri, this 22  
day of August, 2012.

Witness my hand and Notarial Seal.



MARGEE P. STOUT  
My Commission Expires  
March 24, 2016  
Montgomery County  
Commission #12511436

  
Notary Public

My commission Expires: 3/24/16

August 22, 2012  
Date