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June 16, 2016

ATTENTION: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 205550-0001

AEROTEST RADIOGRAPHY AND RESEARCH REACTOR
DOCKET NO. 50-228/LICENSE NO. R-98

REQUEST FOR PROPRIETARY TREATMENT FOR SUPPLEMENTAL
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RE:
OPPORTUNITY TO SUPPLEMENT 2012 LICENSE TRANSFER APPLICATION
(TAC NO. MF7221)

Ladies and Gentlemen:

By letter dated May 27, 2016, the undersigned on behalf of Nuclear Labyrinth, LLC ("Nuclear Labyrinth") submitted two documents supplementing the response by Aerotest Operations, Inc. and Nuclear Labyrinth post-dating the response to the NRC's Request for Additional Information dated January 21, 2016. The two documents contained information that Nuclear Labyrinth considers proprietary and were both marked as Privileged and Confidential. We would request that the two documents submitted on May 27, 2016 be treated as proprietary in their entirety. Inadvertently, some of the information that Nuclear Labyrinth considers proprietary was also included in the May 27, 2016 transmittal letter. We would request that such information also be treated as proprietary and are enclosing herewith a redacted version of the May 27, 2016 letter. Finally, enclosed with today's letter is an affidavit from Dr. D. M. Slaughter, the Chief Executive Officer of Nuclear Labyrinth, supporting that request in accordance with 10 CFR 2.390.

Sincerely yours,

Jay E. Silberg
Counsel for Aerotest Operations, Inc.

ADZD
NRR

June 16, 2016

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Enclosures:

1. Letter dated May 27, 2016 from Jay E. Silberg to NRC (redacted)
2. Letter dated May 27, 2016 from Jay E. Silberg to NRC with attachments (unredacted)
3. Affidavit from D.M. Slaughter, dated June 14, 2016

cc: NRC, NRR (Helvenston) (by e-mail)
NRC, OGC (Kanas) (by e-mail)

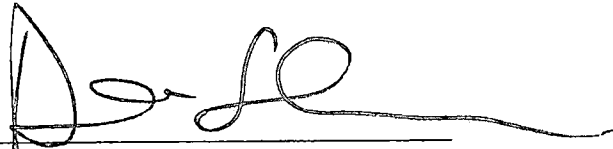
AFFIDAVIT

I, David M. Slaughter, hereby affirm and state as follows:

1. I am the Chief Executive Officer of Nuclear Labyrinth, LLC (Nuclear Labyrinth) authorized to execute this affidavit on behalf of Nuclear Labyrinth.
2. The information contained in the attached letter, dated May 13, 2016 from American Capital Holdings, LLC., the attached report entitled "Domestic Mo-99 Production: A Partnership that Makes Sense," and the attached letter dated May 27, 2016 from the Pillsbury law firm to the NRC, contain proprietary commercial information related to domestic production of Molybdenum-99. The proprietary information includes sensitive business information related by or for Nuclear Labyrinth. The May 13, 2016 letter and the report should be held in confidence by the NRC and withheld from public disclosure. The attached May 27, 2016 letter has been marked to show the information which 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, Nuclear Labyrinth believes that the information qualifies for withholding under the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552(b)(4), the Trade Secrets Act, 18 U.S.C. 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 Nuclear Labyrinth
 - ii. This information is of a type that is customarily held in confidence by Nuclear Labyrinth, and there is a rational basis for doing so because the information includes sensitive business information pertaining to the production of Molybdenum-99.
 - 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 Nuclear Labyrinth by disclosing certain business decisions Nuclear Labyrinth has made or is considering and the analysis that went behind those decisions. Development and evaluation of this commercial information was achieved at, and disclosure could lead to additional, significant cost to Nuclear Labyrinth.
 - vi. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Nuclear Labyrinth's competitive position. The value of the information goes beyond the disclosure of actual information pertaining to Nuclear Labyrinth potential business, and includes substantial time and work towards developing the project, and represents significant efforts by Nuclear Labyrinth and its associates. The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Nuclear

Labyrinth. The precise value of the information is difficult to quantify, but clearly is substantial.

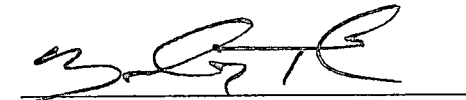
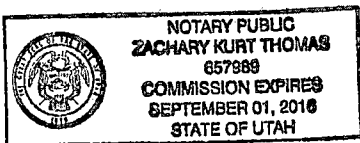
- vii. Nuclear Labyrinth competitive advantage will be lost if its competitors are able to use the results of Nuclear Labyrinth activities to aid their own commercial activities. The value of this information to Nuclear Labyrinth would be lost if the information were disclosed to the public. Making such information available to other entities without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Nuclear Labyrinth of the opportunity to exercise its competitive advantage to seek and adequate return on its large investment.



David M. Slaughter

Subscribed and sworn before me, a Notary Public, in and for the State of Utah, this 14th day of June 2016.

Witness my hand and Notarial Seal.


Notary Public

My Commission Expires: 09/01/2016

06/14/2016
Date:



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May 27, 2016

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Washington, DC 20555-001

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RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RE:
OPPORTUNITY TO SUPPLEMENT 2012 LICENSE TRANSFER APPLICATION
(TAC NO. MF7221)

Ladies and Gentlemen:

Subsequent to the submittal by Aerotest Operations, Inc. and Nuclear Labyrinth LLC ("Nuclear Labyrinth") of their response to the NRC's Request of Additional Information, dated January 21, 2016, Nuclear Labyrinth has informed the undersigned of two documents post-dating the response that relate to the potential use of the Aerotest Radiography and Research Reactor ("ARRR") for [REDACTED]. The first document is a paper explaining the use of the ARRR to [REDACTED] and the [REDACTED]. The second document is a May 13, 2016 letter from [REDACTED], [REDACTED] expressed their interest in considering [REDACTED]. Accompanying these documents is an affidavit from Dr. D. M. Slaughter, the Chief Executive Officer of Nuclear Labyrinth.

Sincerely yours,


Jay E. Silberg
Counsel for Aerotest Operations, Inc.

Enclosures:

1. David M. Slaughter, "[REDACTED]"
 2. Letter from "[REDACTED]" to D.M. Slaughter (May 13, 2016)
 3. Affidavit from D.D. Slaughter, dated May 13, 2016
- cc: U.S. NRC Office of Nuclear Reactor Regulation/NRLPO
U.S. NRC Region IV, Regional Administrator
NRC, NRR (Helvenston)
NRC, NRR (Adams)
NRC, OGC (Ghosh)