

U4 AFFIDAVIT, Rev. 2

I, Paul S. Manzon, state as follows:

1. I am the owner of PMC Engineering Solutions, Inc., Pottstown, PA, 19465. I am the inventor and owner of United States Patent 6,860,297, "Local degraded area repair and restoration component for pressure retaining items" and am addressing the proprietary documents listed in (2) below, containing information which is sought to be withheld, and am applying for its withholding.
2. The information sought to be withheld is contained in the following PMC Engineering Solutions, Inc. documents:
 - a. PMC Engineering Drawing - PMCap shop fabrication details drawing, "Restoration Clamp Assembly Details", Drawing No. 202111-M-0001, R0, Sheets 1 through 5.
 - b. Presentation Slides from the PMC Engineering Design Calculation 202111-S-01, R0, Figures B-1, B-2, B-3, and B-5.
3. In making this application for withholding of proprietary information of which it is the owner, PMC Engineering Solutions, Inc. 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 10 CFR 9.17(a)(4), and 2.390(a)(4) for "trade secrets" (Exemption 4). The information for which exemption from disclosure is here sought also qualifies 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).
4. 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 analysis, where prevention of its use by PMC Engineering Solutions, Inc.'s competitors without license from PMC Engineering Solutions, Inc. constitutes an economic advantage over other companies

- b. Information which, if used by a competitor, would reduce their expenditure of resources, or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product
- c. Information which reveals aspects of past, present, or future PMC Engineering Solutions, Inc. customer funded development plans and programs, resulting in potential products to PMC Engineering Solutions, Inc.
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4) a., (4) b., and (4) d., above.

- 5. To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by PMC Engineering Solutions, Inc., 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 PMC Engineering Solutions, Inc. No public disclosures to third parties including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions which provide for the maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are set forth in paragraphs (6) and (7) following.
- 6. Approval of proprietary treatment of a document is made by me, Paul S. Manzon, owner of PMC Engineering Solutions, Inc. I am the person most acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within PMC Engineering Solutions, Inc. is limited on a "need to know" basis.
- 7. The procedure for approval of external release of such a document requires review by me, Paul S. Manzon, owner, PMC Engineering Solutions, Inc., for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside PMC Engineering Solutions, Inc. are limited to regulatory bodies, customers, potential customers, and their agents, suppliers, and business and licensees, Authorized ASME Code Nuclear Inspectors, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.

8. The document identified in paragraph 2.a., above, is classified as proprietary because it contains "know-how" and "unique information" developed by PMC Engineering Solutions, Inc. within our product development programs. The development of this document, supporting methods, and information constitutes a major PMC Engineering Solutions, Inc. asset in this current market. Supporting aspects for the application to withhold information specific to the document containing proprietary information are as follows:
 - a. PMC Engineering Drawing - PMCap shop fabrication details drawing, "Restoration Clamp Assembly Details", Drawing No. 202111-M-0001, R0, Sheets 1 through 5.
 - i. Drawing 202111-M-0001, Revision R0, Sheets 1 through 5, contains specific shop fabrication details required to construct ASME B31.1 Code Safety-Related restoration hardware (*PMCaps*). The development of these shop fabrication details applicable to and supporting ASME B31.1 Code Safety-Related material, design, fabrication, examination, and testing requirements are a major PMC Engineering Solutions, Inc. asset in this current market. These shop fabrication details were developed at a very high level of effort and expense over the past several years during which PMC Engineering Solutions, Inc. has been offering the nuclear power industry its comprehensive PMC Restoration Method ^(U.S. Patent 6,860,297) products and services which include those protected by U.S. Patent 6,860,297.
9. The entirety of the information contained in the documents listed in paragraphs 2.a., above, is sought to be withheld from Public Disclosure under 10 CFR 2.390:
10. Public disclosure of the information sought to be withheld is likely to cause substantial harm to PMC Engineering Solutions, Inc.'s competitive position and foreclose or reduce availability of profit-making opportunities. The information is part of PMC Engineering Solutions, Inc.'s comprehensive PMC Restoration Method products and services offerings which include those protected by U.S. Patent 6,860,297, and its commercial value extends beyond the original development costs. The value of the technology base goes beyond the information contained in the documents and includes development of the expertise to determine and apply the appropriate data, requirements, criteria, limitations, approaches and methodologies used in the development and preparation of the design, design details, and supporting documentation for the restoration covered by the information sought to be withheld.

The research, development, engineering, and analytical costs comprise substantial investment of time and money by PMC Engineering Solutions, Inc.

The precise value of the expertise to devise a restoration method and apply the appropriate and correct Code and regulatory requirements to the restoration is difficult to quantify, but it clearly is substantial.



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PMC Engineering Solutions, Inc.'s competitive advantage will be lost if its competitors are able to use the results of the PMC Engineering Solutions, Inc. experience to develop or modify their own restoration method or if they are able to claim an equivalent understanding by demonstrating that they can develop the same or similar restoration method.

The value of this information to PMC Engineering Solutions, Inc. would be lost if the information were disclosed to the public. Making such information available to competitors without them having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive PMC Engineering Solutions, Inc. of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Manzon", with a horizontal line extending from the end of the signature.

Paul S. Manzon
Owner
PMC Engineering Solutions, Inc.

02.14.2022

Date