

December 4, 2008

Dr. Steven Reese, Director  
Radiation Center  
Oregon State University  
100 Radiation Center  
Corvallis, OR 97331-5903

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR OREGON STATE UNIVERSITY

Dear Dr. Reese:

By letters and associated affidavits dated August 22, 2008 and September 17, 2008, you and Dr. Keith E. Asmussen of General Atomics (GA), respectively, requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Part 2, Section 2.390:

Attachment 2 to letter dated June 30, 2008, entitled, Oregon State University Response to RAI Regarding Conversion Amendment, Oregon State University TRIGA Reactor dated April 22, 2008

The GA affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reason:

If released, the GA-owned information would create substantial harm to GA by providing competitors and other parties whose interest may be adverse to GA with detailed technical trade secret and commercial information. GA has a very significant investment of resources over many years in the development of this information. This information has been held in confidence by GA and is of a type customarily held in confidence by its owner. The information was transmitted to the NRC in confidence and was marked accordingly. This information is not available from public sources.

We have reviewed your letters and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the following document will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended:

Attachment 2 to letter dated June 30, 2008, entitled, Oregon State University Response to RAI Regarding Conversion Amendment, Oregon State University TRIGA Reactor dated April 22, 2008

S. Reese

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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-3934.

Sincerely,

**/RA/**

William C. Schuster IV, Project Manager  
Research and Test Reactors, Branch A  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Docket No. 50-243

cc: Keith E. Asmussen

S. Reese

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**/RA/**

William C. Schuster IV, Project Manager  
Research and Test Reactors, Branch A  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Docket No. 50-243

cc: Keith E. Asmussen

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**Keith E. Asmussen, Director  
Licensing, Safety and Nuclear Compliance  
General Atomics  
3550 General Atomics Court  
San Diego, CA 92121**