

August 10, 2012

Ralph A. Butler
Director
University of Missouri Research Reactor Center
2555 Industrial 1513 Research Park Drive
Columbia, MO 65211

SUBJECT: UNIVERSITY OF MISSOURI, COLUMBIA - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME1401)

Dear Mr. Butler:

By letter dated June 6, 2012, the University of Missouri, Columbia (MURR), submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12170A861) also dated June 6, 2012, executed by yourself, which requested that information contained in the following submitted letter be withheld from public disclosure pursuant to the Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390:

University of Missouri, Columbia – Plans for Submission of License Application Related to Molybdenum 99

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Public disclosure of this information would create substantial harm to the competitive position of MURR by disclosing certain business decisions MURR 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 MURR;
- b. 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 goes beyond the disclosure of actual information pertaining to MURR's potential business, and includes substantial time and work towards developing the project, and represents significant efforts by MURR and its associates. The research, development, engineering, and analytical costs comprise a substantial investment of time and money by MURR. The precise value of the information is difficult to quantify, but clearly is substantial; and
- c. MURR's competitive advantage will be lost if its competitors are able to use the results of 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 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 MURR of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment.

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

Therefore, the information marked as proprietary 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.

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 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 301-415-1404.

Sincerely,

/RA/

Xiaosong Yin, Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 05000186

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Xiaosong Yin, Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
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Docket No. 05000186

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NRR-084

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