



March 2, 2015
NWMI-LTR-2015-004

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mr. Michael Balazik
Research and Test Reactors Branch A
Office of Nuclear Reactor Regulation

RE: Northwest Medical Isotopes, LLC Affidavit in Support of Request to Withhold Certain NWMI
Proprietary Information from Public Disclosure

References:

1. Oregon State University TRIGA Reactor (OSTR), Docket No. 50-243, License No. R-106, License amendment application submitted April 13, 2012, Answers to Request for Additional Information submitted April 14, 2014
2. Northwest Medical Isotopes, LLC letter to Oregon State University TRIGA Reactor dated January 31, 2015 (NWMI-Letter-2015-002)
3. Northwest Medical Isotopes, LLC letter to U.S. Nuclear Regulatory Commission date March 2, 2015 (NWMI-LTR-2015-003)

Dear Mr. Balazik:

This letter supercedes and withdraws the submission dated March 2, 2015 (NWMI-LTR-2015-003), from Northwest Medical Isotopes, LLC to U.S. Nuclear Regulatory Commission and resubmits the information contained within.

By letter dated January 31, 2015, Northwest Medical Isotopes, LLC (NWMI) submitted information to Oregon State University TRIGA Reactor (OSTR) in support of their License Amendment and associate answers to Request for Additional Information submitted April 14, 2014. The attached letter (Attachment 2) contained proprietary information and should be withheld from public disclosure per 10 CFR 2.390. The public version of the letter is provided in Attachment 3.

The required affidavit to withhold information from public disclosure is provided in Attachment 1. NWMI considers the information in Attachment 2 to be proprietary and requests that the attachment be withheld from public disclosure, pursuant to 10 CFR 2.390 "Public Inspections, Exemptions, Requests for Withholding." The attachments to this letter include the following:

- Attachment 1 – The required affidavit to withhold information from public disclosure per 10 CFR 2.390
- Attachment 2 – Non-public (proprietary and business sensitive) version of the letter (reference #2); the information is provided on in hard copy
- Attachment 3 – Public (non-proprietary) version of the letter (reference #2); the information is provided in hard copy



NWMI requests that Attachment 2 be withheld from public disclosure pursuant to 10 CFR 2.390 and Attachment 3 be uncontrolled or can be made available to the public.

If you have questions, I can be reached at (509) 430-6921 or carolyn.haass@nwmedicalisotopes.com.

Sincerely,

Carolyn C. Haass

Vice President and Technical Program Director



ATTACHMENT 1

AFFIDAVIT TO WITHHOLD PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

(Pursuant to 10 CFR 2.390)



10 CFR 2.390
AFFIDAVIT OF Carolyn C. Haass

I, **Carolyn C. Haass**, herby affirm and state as follows:

1. I am a Vice President and Officer of Northwest Medical Isotopes, LLC (NWMI), and I have been authorized to execute this affidavit on behalf of NWMI.
2. The information contained in the enclosed letter dated March 12, 2015, is proprietary commercial information related to NWMI becoming a domestic supplier of Molybdenum-99 (⁹⁹Mo). The proprietary information (Supplementary information supporting the license amendment application for the purpose of demonstrating ⁹⁹Mo production capability in the OSTR, non-Public Version) includes sensitive business information created by or for NWMI. This information should be held in confidence by the U.S. Nuclear Regulatory Commission (NRC) and withheld from public disclosure.
3. In making this application for withholding of proprietary information of which it is the owner, NWMI 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 in 10 CFR 2.390(a)(4) for trade secrets and commercial information because:
 - a. This information is owned by NWMI. Specifically, information related to the target dimensions, material composition, and mass or information that would reasonably allow knowledgeable people to deduce this information and experimental results should be withheld from public disclosure. This information is considered proprietary and would significantly affect any competitive advantage that this target configuration creates.
 - b. This information is of a type that is customarily held in confidence by NWMI, and there is a rational basis for doing so because the information includes sensitive business information.
 - c. The information is being transmitted to the NRC voluntarily and in confidence.
 - d. This information is not available in public sources and could not be gathered readily from other publicly available information.
 - e. Public disclosure of this information would create substantial harm to the competitive position of NWMI by disclosing certain business decisions NWMI 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 NWMI.
 - f. Public disclosure of the information sought to be withheld is likely to cause substantial harm to NWMI'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 NWMI's potential business, and includes substantial time and work towards developing the project by NWMI and its associates. The research, development, engineering, and analytical costs comprise a substantial investment of time and money by NWMI. The precise value of the information is difficult to quantify, but clearly is substantial.



- g. NWMI's competitive advantage will be lost if its competitors are able to use the results of NWMI's activities to aid their own commercial activities. The value of this information to NWMI would be lost if the information was 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 significant advantage, and deprive NWMI of the opportunity to exercise its competitive advantage to seek an adequate return on a large investment.

Carolyn C. Haass, Vice President

Subscribed and sworn before me, a Notary Public, in and for the State of Washington, this ____ day of March, 2015.

Witness my hand and Notarial Seal.



My commission expires:

9.19.2018

Notary Public

7.12.15

Date