



The Dow Chemical Company
Midland, Michigan 48667

January 31, 2012

Mr. Geoffrey Wertz
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Subject: The Dow Chemical Company- License No. R-108; Docket No. 50-264

Enclosed is a revised affidavit, an attachment to the submissions dated January 13th, 2012, in support of the license renewal.

This revised affidavit does not contain the designation "Withhold from public disclosure under 10 CFR 2.390", and it replaces the previous affidavit, submitted on January 13th, 2012, in its entirety. The withhold designation has been withdrawn because it is not necessary.

Should you have any questions or need additional information, please contact the Facility Director, Paul O'Connor, at 989-638-6185.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2012

Paul O'Connor, Ph.D.
Director
Dow TRIGA Research Reactor

Subscribed and sworn to before me this 31st day of January, 2012

Notary Public
Midland County, Michigan
My Commission Expires:

May 13, 2012

Judy Lynn Raymond
NOTARY PUBLIC, MIDLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES MAY 13, 2012

cc: Wayde Konze, R&D Director - Analytical Sciences
Toby Threet, Counsel - Legal
Siaka Yusuf, Reactor Supervisor

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**IN RE: The Dow Chemical Company
 TRIGA Research Reactor
 Nuclear Regulatory Commission License No. R-108**

DOCKET NO. 50-264

AFFIDAVIT OF WAYDE KONZE

**STATE OF MICHIGAN)
) SS.
COUNTY OF MIDLAND)**

1. Wayde Konze, being first duly sworn, depose and say that: I have personal knowledge of matters stated herein and am competent and able to testify to the statements contained herein, if called upon to do so in a court of law.

2. I am a citizen of The United States of America.

3. I am an employee of The Dow Chemical Company ("Dow Chemical") and my current job title is R&D Director, for which I have delegation of authority under section 10.01 of Dow Chemical's Authorization Policy (Execution of Documents and Other Acts on Behalf of The Company) to direct and conduct the operations of the business on behalf of the Company for the Global R&D business organization that I manage.

4. As R&D Director, my job responsibilities include:

(a) Direct and conduct the operations of Dow Chemical's Research and Development ("R&D") business operations.

(b) Manage employees within Dow Chemical's Global R&D business.

- (c) Approve the execution, delivery, modification, performance, and enforcement of contracts that are incidental to Dow Chemical's Global R&D business operation.
- (d) Oversee the implementation of any approved transaction through the appropriate legal entity in Dow Chemical's Global R&D business operations.
- (e) Procure, maintain, dispose of, and deal in and with equipment and supplies reasonably necessary for the proper conduct of Dow Chemical's Global R&D business operations.
- (f) Acquire and dispose of goods and services in the ordinary course of Dow Chemical's Global R&D business operations.

5. As R&D Director, I have personal knowledge concerning the operation of Dow Chemical's Nuclear Regulatory Commission ("NRC") License R-108, and Dow Chemical's renewal application for NRC License R-108 and supporting documentation for the license renewal application.

6. Based upon my personal knowledge, Dow Chemical is submitting a letter herewith simultaneously to Mr. Geoffrey Wertz, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, dated January 13, 2012, including supporting a document as follows:

Attachment 1, "CERTIFIED RESOLUTION – Assignment of Responsibility for Research Nuclear Reactor and its Special Nuclear Materials"

7. Based upon my personal knowledge, Attachment 1 identified above is being submitted with the designation "Withhold from public disclosure under 10

CFR 2.390.” at the top of each page of the document. This paragraph 7 of the Affidavit explains the rationale as required in 10 CFR 2.390, and addresses with specificity the considerations listed in paragraph (b)(4) of that section.

Attachment 1, in its entirety, contains confidential commercial information describing actions of Dow Chemical’s Board of Directors, and is not public information. All commercial activities of Dow Chemical are subject to the Board of Directors, and decisions – or proposed decisions – of the Board of Directors are therefore “commercial” information within the meaning of 10 CFR 2.390(a)(4). Dow Chemical is transmitting Attachment 1 to the NRC in confidence. The information in Attachment 1 is not available in public sources. At this time, even within Dow Chemical, Attachment 1 is known only to officers and employees who have a need to know. Dow Chemical maintains actions and proposed actions of its Board of Directors in confidence and does not provide copies of the minutes of the meetings of its Board of Directors, copies of resolutions adopted by its Board of Directors (or other excerpts of the referenced minutes) or copies of other similar documents describing actions of its Board of Directors except in very limited circumstances such as with respect to closing documentation associated with specific transactions; in response to appropriate subpoenas in litigation matters; with respect to the review of matters by various governmental agencies; and in similar controlled situations. As a consequence, the public release of Attachment 1 – without prior notice and the opportunity to oppose, limit or otherwise control the release of Attachment 1 – would cause harm to Dow Chemical by putting at risk the continued confidential nature of documents that

describe the actions of its Board of Directors, inhibiting full and frank discussion by the Board of Directors, and otherwise establishing inappropriate precedent. For this reason, this document is being submitted to the NRC under section 10 CFR 2.390(a). However, in recognition that NRC's procedures require publication of negation action plans for comment, Dow Chemical does not object to NRC publishing the title and date of adoption of the resolution, and an excerpt consisting of paragraphs 1-5 of the resolution.

8. Based upon my personal knowledge, the public disclosure of Attachment 1 identified above in its entirety would cause harm to Dow Chemical in the manner described in Paragraph 7 above, thus placing an undue burden on The Dow Chemical Company.

I declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct.

Executed this 31st day of January, 2012.

Wayde Konze
Wayde Konze
R&D Director
The Dow Chemical Company

Subscribed and sworn to before me this 31st day of January, 2012.

Judy Lynn Raymond
Notary Public

Midland County, Michigan

My Commission Expires:
May 13, 2012

Judy Lynn Raymond
NOTARY PUBLIC, MIDLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES MAY 13, 2012