
Mallinckrodt Inc.

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May 26, 2000

Mr. James L. Cameron
Senior Inspector
United States Nuclear Regulatory Commission
Region III
801 Warrenville Rd.
Lisle, IL 60532-4351

Re: Applications for Withholding Documents

Dear Mr. Cameron:

In conjunction with your recent inspection of Mallinckrodt Inc.'s Maryland Heights, Missouri facility, you requested copies of several documents. In response, Mallinckrodt provided you with documents on May 12 and May 19, 2000. Certain of these documents contain confidential and/or trade secret information. In accordance with NRC regulations, 10 C.F.R. 2.790, Mallinckrodt submitted applications for withholding these documents, accompanied by affidavits from Roger Keller, Vice President, Secretary, and General Counsel, outlining the confidential nature of the documents.

In our meeting on May 12, 2000, you indicated that any of these documents that are not used as a basis for findings in your report will be returned to us or shredded, and thus would not be available to the public. Any documents that are used as a basis for findings in your report are normally available to the public. However, because we filed Applications for Withholding, these documents and the information in these documents should not be publicly disclosed.

In accordance with 10 C.F.R. 2.790, should the NRC decide to deny the Application with respect to any of the documents, the Commission will notify Mallinckrodt of the denial with a statement of reasons. Mallinckrodt would have the opportunity to respond to the Commission's concerns and/or potentially withdraw the document before it was available to the public.

As we discussed in the May 12 meeting, Mallinckrodt considers the information contained within the documents to be covered by the same protections as the documents themselves. Mallinckrodt objects to any confidential information being revealed to the public in any form, including by referencing it in your report. When we expressed these concerns to you, you indicated that you would make every effort not to reveal Mallinckrodt's confidential information in your report, but

you stated that we would not be allowed to review any references to this information in advance of its release to the public because of the NRC's policy of not allowing anyone access to "drafts" of reports.

Mallinckrodt would not need to see the draft of the report, but does request that its confidential information not be revealed in the NRC's report and that should the NRC intend to reveal this information, Mallinckrodt be informed in advance. This is imperative if Mallinckrodt's confidential information is to be truly protected from public disclosure. It would circumvent the protections outlined in the regulations to allow otherwise.

Please forward this correspondence to the attorneys handling Mallinckrodt's Application for Withholding, and contact me immediately at 314-654-8660 if you have a different understanding of the application, review, and disclosure process. Thank you.

Sincerely,



Stacey L. Stater