



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

December 12, 2002

Marc-André Charette
Regulatory Affairs Senior Associate
MDS Nordion
447 March Road
Kanata, Ontario
Canada, K2K 1X8

**SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, MDS NORDION INC. SEALED SOURCE MODEL C-378**

Dear Mr. Charette:

By MDS Nordion original application dated April 30, 2002, and revised application dated September 16, 2002, MDS Nordion submitted information requesting registration of the sealed source Model No. C-378. Affidavits dated May 23 2002, and September 16, 2002, stated that the applications package contained proprietary information related to the design of C-378. Your request also contained a nonproprietary version of the sealed source registration application, which will be placed in the U.S. Nuclear Regulatory Commission (NRC) public document room and added to the Agency-wide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS Library).

MDS Nordion stated that the letter dated September 16, 2002, and propriety information provided in Safety Evaluation of C-378 Sealed Source report IN/TR 1833 C378 (1) and version (2) should be considered exempt from mandatory public disclosure for the following reasons:

1. The information contained in MDS Nordion, Safety Evaluation of C-378 sealed source Reports IN/TR 1833 C378 (1) and version (2) are the property of MDS Nordion. These reports and drawings therein contain proprietary information related to design and qualification of the Model No. C-378 sealed source.
2. MDS Nordion has expended extensive funds and manpower in developing the aforementioned documents and release and disclosure of such information to third parties would enable and assist third parties to use the information to fabricate and register a similar source without incurring any development costs. This could compromise MDS Nordion ability to compete in the market place.
3. The information has been held in confidence by MDS Nordion and any disclosure thereof for developmental purposes has been accompanied by a confidentiality agreement protecting the trade secrets contained herein.
4. The information is not available in public sources.

M. Charette

We have reviewed MDS Nordion's request for withholding information from public in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary information.

Therefore, MDS Nordion letter dated September 16, 2002, and Safety Evaluation of C-378 sealed source Reports IN/TR 1833 C378 (1) and version (2) (with figures and attachments), will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

Sincerely,

/RA/

Ujagar S. Bhachu, Mechanical Engineer
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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