

Cardinal Health  
Nuclear Pharmacy Services  
7000 Cardinal Place  
Dublin, OH 43017  
614.757.5000 main  
800.234.8701 toll free

cardinalhealth.com



February 15, 2011

U.S. Nuclear Regulatory Commission  
Region I Division of Nuclear Materials Safety  
475 Allentown Road  
King of Prussia, PA 19406-1415

RE: Application for Radioactive Material License, Cardinal Health, Docket # 030-38331, Control # 573263

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

This *Application for Withholding Proprietary Information From Public Disclosure* is submitted by Cardinal Health pursuant to 10 CFR 2.390(b)(1). The above-referenced application, herein described, contains trade secrets and confidential commercial information that is strategic proprietary information to Cardinal Health and is customarily held in confidence.

The proprietary material for which withholding has being requested is identified as "*Confidential Information Submitted Under 10 CFR 2.390*" as required.

The Affidavit of Willie Regits, Ph.D. accompanying this Application sets forth the basis on which proprietary information may be withheld from public disclosure.

Because of the proprietary nature of the information in this Application, Cardinal Health requests that NRC waive the requirement for an affidavit for future correspondence regarding this license application.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie Regits".

Willie Regits, Ph.D.  
Corporate Radiation Safety Officer  
Director, Health Physics  
Nuclear Pharmacy Services

Encl: Affidavit of Willie Regits, Ph.D.

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Willie Regits, Ph.D.  
Corporate Radiation Safety Officer  
Director, Health Physics  
Nuclear Pharmacy Services

Encl: Affidavit of Willie Regits, Ph.D.

**AFFIDAVIT OF WILLIE REGITS, Ph.D.**

Before me, the undersigned authority, personally appeared Willie Regits, Ph.D. who, being by me duly sworn according to law, deposes and says that he is authorized to execute this affidavit on behalf of Cardinal Health 414, LLC, dba: Cardinal Health Nuclear Pharmacy Services (hereafter Cardinal Health), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

- 1) I am the Corporate Radiation Safety Officer and Director of Health Physics in the Quality and Regulatory Department of Cardinal Health Nuclear Pharmacy Services. I have been delegated responsibility by Cardinal Health for reviewing the proprietary information sought to be withheld from public disclosure in connection with the accompanying License Application and have been authorized to apply for its withholding by Cardinal Health.
- 2) I am making this Affidavit in compliance with 10 CFR 2.390 and in conjunction with the Cardinal Health's Application For Withholding Proprietary Information From Public Disclosure.
- 3) Details and basis for the information sought to be withheld.

a) Document or Part Sought to Be Withheld

U.S. Nuclear Regulatory Commission (NRC) Radioactive Materials License Application supporting documents.

b) Basis for Proposing the Information Withheld

The information sought to be withheld constitutes trade secrets and confidential commercial information under 10 CFR 2.390(a)(ii)(4).

c) Specific Statement of the harm that would result if the information sought to be withheld is disclosed to the public.

Disclosure to the public of information describing a process, method, apparatus or supporting data and analyses used by Cardinal Health could result in use of such information by Cardinal Health's competitors without license from Cardinal Health and would constitute a competitive advantage over Cardinal Health.

Disclosure of information, if used by a competitor or entrepreneur, could result in reduced expenditure of resources; and/or improve their competitive position in the market for the design, manufacture, installation, assurance of quality, and licensing of a similar product.

- 4) Pursuant to 10 CFR 2.390(b)(4), please consider the following information in making a determination of whether the information sought to be withheld from public disclosure should be granted:

Affidavit of Willie Regits, M.D.


- a) The information sought to be withheld from public disclosure is owned by and held in confidence and considered proprietary by Cardinal Health.
- b) The information sought to be withheld from public disclosure is customarily held in confidence by Cardinal Health. Cardinal Health maintains a system to identify information that is considered confidential such that the release of such information could result in a competitive advantage to others in the industry. The following examples of confidential or proprietary information may be considered the basis as appropriate for this request:
  - (1) Radiation Safety Officer and Authorized User Training Program – if disclosed as public information could give competitors access to personal information, personnel training methods and content which is specifically owned and used or designed for Cardinal Health personnel and facilities.
  - (2) Facilities and Equipment – if disclosed as public information could give competitors the design basis for cyclotron facilities and radiation protection measures containing proprietary procedures and design specifications.
  - (3) Radiation Safety Program – if disclosed as public information could give competitors access to proprietary information including shielding design specifications, trademark or protected procedures and methods or policies used and designed for internal use only in Cardinal Health facilities.
  - (4) Waste Disposal procedures – if disclosed as public information could give the general public or competitors customized procedures for an unfair advantage in the development of a process or method without license from Cardinal Health.
  - (5) The proprietary information is marketable in many ways. The extent to which such information is available to competitors diminishes the ability of Cardinal Health to sell products and services involving the use of the information.
  - (6) Each component of the proprietary information listed above is considered pertinent to a competitive advantage and is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component used by domestic or international firms or persons may jeopardize the position of Cardinal Health in the world market and/or deprive Cardinal Health of a competitive advantage. Unrestricted disclosure would jeopardize the prominence of Cardinal Health as a leader in the world market, and thereby give a market advantage to the competition of those countries.
  - (7) The capacity of Cardinal Health to partner with other companies in research and development of emerging products, technologies and methods depends on mutual trust, confidentiality in contractual obligations for obtaining and maintaining a competitive advantage. Unrestricted disclosure of proprietary

Affidavit of Willie Regits, Ph.D.

information would result in Cardinal Health violation of agreements with partners made in trust.

- c) The information sought to be withheld from public disclosure has been transmitted to NRC in confidence.
- d) The information sought to be withheld from public disclosure is not available from public sources.

FURTHER AFFIANT SAYETH NOT.

  
 \_\_\_\_\_  
 Willie Regits, Ph.D.

STATE OF OHIO   )  
   )  
 COUNTY OF FRANKLIN                                 )           ss.

Subscribed and sworn to before me this 22 day of February, 2011.

  
 \_\_\_\_\_  
 Notary Public



**JANE STEPHENS**  
 Notary Public, State of Ohio  
 My Commission Expires 05-19-2012