



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 22, 2017

Ms. Carolyn C. Haass, Vice President
Northwest Medical Isotopes, LLC
815 Northwest 9th Street, Suite 256
Corvallis, OR 97330

SUBJECT: NORTHWEST MEDICAL ISOTOPES, LLC – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE

Dear Ms. Haass:

By letter dated October 31, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16309A207), Northwest Medical Isotopes, LLC (NWMI) submitted an affidavit executed by you, which requested that information contained in the following document be withheld from public disclosure pursuant to the Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390:

Attachment 2 – Non-public (proprietary and business sensitive) version of the presentation

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 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.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) as well as 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 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.

If you have any questions regarding this matter, I may be reached at (301) 415-2856.

Sincerely,

/RA/

Michael F. Balazik, Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-609

SUBJECT: NORTHWEST MEDICAL ISOTOPES, LLC – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE DATED: March 22, 2017

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ADAMS Accession No.: ML17061A159; *concurred via email

NRR-106

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