

February 12, 2013

Richard Vann Bynum, PhD
Chief Operating Officer
SHINE Medical Technologies, Inc
2555 Industrial Drive
Monona, WI 53713

SUBJECT: SHINE MEDICAL TECHNOLOGIES, INC. - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME7820)

Dear Dr. Bynum:

By letter dated January 17, 2013 (SMT-2013-005, Agencywide Documents Access and Management System (ADAMS) Accession No. ML13023A123), SHINE Medical Technologies, Inc. (SHINE), submitted an affidavit executed by yourself, 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:

Enclosure 1, SMT-2013-005, Closed Meeting Slides

A nonproprietary copy of this document, designated as Enclosure 2, has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS as an attachment to the January 17, 2012 letter discussed above (ADAMS Accession No. ML13023A124).

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

The information is of the type that would customarily be held in confidence by SHINE. The information that SHINE is requesting to be withheld from public disclosure includes trade secret, confidential financial information, commercial information or information that is subject to export controls. SHINE limits access to these elements to those with a "need to know," subject to maintaining confidentiality.

Public disclosure of these elements is likely to harm SHINE because it would allow others to understand SHINE's competitive expectations, assumptions, processes and current position. Additionally, information could be disclosed in the materials presented at the meeting that involves data or records concerning SHINE's physical protection, classified matter protection, or material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data.

The proprietary information sought to be withheld from public disclosure at the non-public portion of the referenced meeting includes; structural configuration and supporting systems of the radioisotope production facility, process and systems locations, and information that could be contained in the SHINE security plan. This would include

information regarding the types, quantities, and locations of materials stored on site as would be referenced in facility configuration drawings.

We have reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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.

If you have any questions regarding this matter, I may be reached at 301-415-1524.

Sincerely,

/RA/

Steve Lynch, Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. PROJ0792

cc: See next page

cc:

Mr. Brent Pogue
Licensing Engineer
SHINE Medical Technologies, Inc.
2555 Industrial Drive
Monona, WI 53713

Jim Costedio
Licensing Manager
SHINE Medical Technologies, Inc.
2555 Industrial Drive
Monona, WI 53713

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