

## Bhachu, Ujagar

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**From:** Jerry.Wander@Inficon.com  
**Sent:** Wednesday, May 22, 2013 3:33 PM  
**To:** Bhachu, Ujagar  
**Cc:** Les.Volles@Inficon.com  
**Subject:** RE: Disclosure of INFICON's Quarterly Radio Active Material Report  
**Attachments:** NRC 10CFR 2.390 Exemption.pdf; NYSDOH Report 2013 1st Qtr.xlsx

Dear Ujagar:

I wanted to let you know I sent yesterday the attached notarized letter to complete the request process. If you notice anything incorrect that needs to be changed, please let me know. Thank you for all your help in guiding me through this.

Regards,

Jerry Wander

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NOTICE: - This message including any attachments is intended only for the use of the designated recipient(s) named above and may contain confidential information protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message including any attachments.

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From: "Bhachu, Ujagar" <[Ujagar.Bhachu@nrc.gov](mailto:Ujagar.Bhachu@nrc.gov)>  
To: "Jerry.Wander@Inficon.com" <[Jerry.Wander@Inficon.com](mailto:Jerry.Wander@Inficon.com)>,  
Date: 05/15/2013 11:36 AM  
Subject: RE: Disclosure of INFICON's Quarterly Radio Active Material Report

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Please mail your affidavit to:

Document Control Desk, Director, Office of Federal and State Materials and Environmental Management Programs, Attention GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Ujagar S. Bhachu, GLTS Project Manager  
Division of Materials Safety and State Agreements  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-001  
Telephone number: (301) 415-7894  
Fax number: (301) 415-5955  
E-mail number: [Ujagar.Bhachu@NRC.Gov](mailto:Ujagar.Bhachu@NRC.Gov).

**From:** [Jerry.Wander@Inficon.com](mailto:Jerry.Wander@Inficon.com) [<mailto:Jerry.Wander@Inficon.com>]  
**Sent:** Monday, May 13, 2013 2:56 PM

**To:** Bhachu, Ujagar  
**Subject:** Fw: Disclosure of INFICON's Quarterly Radio Active Material Report

Dear Mr, Bhachu:

You talked to Les Volles last week concerning INFICON's request for exemption for public disclosure under 10CFR 2.390 of INFICON's quarterly radioactive material distribution report. I am sorry for the confusion concerning processing our request. I did not realize I also had to submit an affidavit along with the e-mail I sent to you last week.

I have the affidavit completed and signed and can send it to you this week. However, I don't know where to send it. The NRC website has a few addresses, I know if I choose one it would incorrect. Can you send me the correct address and I will send the affidavit out the same day?

Thanks for the help.

Regards,

Jerry Wander

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Date: 21 May 2013

U.S. Nuclear Regulatory Commission  
Office of Federal and State Materials and Environmental Management Program  
Washington, DC 20555-0001  
Attn: GLTS Director – Document Control Desk

### Request for Public Inspection Exemption per 10 CFR 2.390

It has been brought to INFICON's attention NRC regulation 10 CFR 2.390 allows final NRC records and documents to be made available for inspection and copying at the NRC Web site. While INFICON can understand why certain records should be available, we feel allowing INFICON's quarterly radioactive material report to be disclosed would have adverse effects on INFICON's worldwide.

In accordance with 10 CFR 2.390, INFICON requests the information contained in the New York State Department of Health Quarterly Distribution Report's submitted as required under license # C3114 & C3113 be exempted from public disclosure. Our exemption request is based on paragraph (a)(4) with our information falling under the confidential commercial information.

INFICON invests substantial efforts and time to promote our devices which use Ni-63 sources as its sensing technology. Because these devices are used in measuring pollution in both air and water, the marketplace for them is worldwide and expanding. This draws many domestic and foreign competitors which look for any means to increase their market share to the detriment of INFICON. By having INFICON's distribution reports made public, INFICON's competitive abilities are severely compromised. Not only our exact customers (names, addresses and telephone #'s) are given to our competitors, the overall market segment and niche market applications for our devices which allow us to have profitable sales growth are exposed.

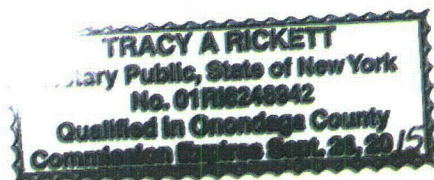
As an officer of INFICON INC. (Vice President and Secretary) and manager of the business line where the report and material is used, I have the authority to request this exemption. I have attached a copy of INFICON's 1st Quarter Distribution Report for your review/records. If you have any questions or concerns, please contact me at (315-254-5639) or by this e-mail. Thank you in advance for your help and consideration.

Regards,

Jerry Wander  
Vice President & Secretary  
INFICON Inc.

Phone: (315) 254-5639  
E-mail: Jerry.Wander@inficon.com

INFICON Inc.



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