

Bhachu, Ujagar

From: Torres, Gamaliel <gamaliel.torres@thermofisher.com>
Sent: Tuesday, August 27, 2013 8:25 AM
To: Bhachu, Ujagar
Subject: RE: Notarized Affidavit Regarding Public Release of Information
Attachments: Thermo Fisher Scientific EPM - Affidavit Pursuant to 10 CFR 2.390 (Signed).pdf

Categories: Orange Category

Ujagar,

Please see attached.

Gamaliel Torres
Radiation Safety Officer / Nuclear Services Manager
Thermo Scientific Environmental & Process Monitoring

Thermo Fisher Scientific
1410 Gillingham Ln.
Sugar Land, TX 77478
Office: 713.272.4568
Fax: 713.272.2273
gamaliel.torres@thermofisher.com
www.thermoscientific.com

From: Bhachu, Ujagar [mailto:Ujagar.Bhachu@nrc.gov]
Sent: Friday, August 23, 2013 11:35 AM
To: Torres, Gamaliel
Subject: RE: Notarized Affidavit Regarding Public Release of Information

Please e-mail a copy.

Thank you.

Ujagar

From: Torres, Gamaliel [mailto:gamaliel.torres@thermofisher.com]
Sent: Thursday, August 22, 2013 5:16 PM
To: Bhachu, Ujagar
Subject: RE: Notarized Affidavit Regarding Public Release of Information

Ujagar,

The signed and notarized affidavit is in the mail. Thank you for your support and patience. Let me know if you would like an electronic copy in the mean time.

Gamaliel Torres
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From: Bhachu, Ujagar [<mailto:Ujagar.Bhachu@nrc.gov>]
Sent: Thursday, August 15, 2013 12:05 PM
To: Torres, Gamaliel
Subject: RE: Notarized Affidavit Regarding Public Release of Information

Could you please submit a notarized affidavit as soon as possible. You may wish to use the skelton framework below.

Thank you.

Ujagar

Please mail your affidavit to me or mail it 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.

AFFIDAVIT

I am the xxxxxxxx for xyz corporation and have been delegated the responsibility of reviewing the device transfer reports which is sought to be withheld, and have been authorized to apply for its withholding. I am familiar with competitive practices in the market for products, containing nuclear sealed sources licensed by the Nuclear Regulatory Commission.

XYZ corporation. is required by Title 10 CFR 32.52 to submit reports of the distribution of Generally Licensed devices to the Nuclear Regulatory Commission and individual Agreement States every calendar quarter, listing the names and addresses of each client to whom authorized devices are transferred to and licensees from whom we receive them. Additional information about the device, such as isotope, quantity and model number is also required.

XYZ corporation is the sole owner of the information provided in the reports described above. To the best of my knowledge, the information, as presented, is not currently available in public sources. XYZ customarily treats this type of information as confidential. The company has an unwritten information classification and release policy and practice, and under this policy, lists of active customers and information relevant to commercial transactions is considered proprietary.

Examples of information considered by XYZ as proprietary information are customer lists and amounts of shipments. Such information, if made available and is used by our competitors, would provide direct tunnels, inroads/intrusion into our marketplaces. This would provide our competitors a head start and marked economic advantage and thus adversely impact well-being of our business.

Additionally, a significant part of XYZ is supported by continuing services. A number of independent entities in USA and abroad could use the information in these device transfer reports including the customer list to enter our market space.

The information we are requesting to be withheld from public is all data printed in transfer report pages with headings of "Transfers of devices to and from General Licensees."

In view of the above, XYZ respectfully requests that the quarterly distribution reports of Generally Licensed devices be withheld from public disclosure.

Signed:

Title:

Date:

Acknowledgement:

The forgoing affidavit was acknowledged as true and correct before me this day.....etc.

From: Torres, Gamaliel [<mailto:gamaliel.torres@thermofisher.com>]
Sent: Thursday, August 15, 2013 12:41 PM
To: Bhachu, Ujagar
Subject: RE: Notarized Affidavit Regarding Public Release of Information

Greetings Ujagar,

No, we have not submitted an affidavit. I was waiting on a response from you, sir. We have however, determined our reasons for not disclosing our quarterly reports. We feel that providing that information would disclose:

(6)(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(9) Geological and geophysical information and data, including maps, concerning wells.

Gamaliel Torres
Radiation Safety Officer / Nuclear Services Manager
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From: Bhachu, Ujagar [<mailto:Ujagar.Bhachu@nrc.gov>]
Sent: Thursday, August 15, 2013 9:46 AM
To: Torres, Gamaliel
Subject: RE: Notarized Affidavit Regarding Public Release of Information

Did you submit an affidavit?

Ujagar

From: Torres, Gamaliel [<mailto:gamaliel.torres@thermofisher.com>]
Sent: Wednesday, May 22, 2013 5:13 PM
To: Bhachu, Ujagar
Subject: Notarized Affidavit Regarding Public Release of Information

Hello Mr. Bhachu,

This is a follow up email regarding the voicemail I left you earlier. I was recently appointed as the new RSO for our division of Thermo Fisher Scientific. I will gladly provide any information you need, sir. Mr. Bergeron instructed that I send you an email so that we can take a look a template regarding our agreement/non-agreement to the release of our quarterly reports to the public. I will review 10 CFR 2.290 further to gain an understanding of what is required by us. Please send me a template and any information regarding this requirement.

Thank you.

Gamaliel Torres
Radiation Safety Officer
Thermo Scientific Environmental & Process Monitoring

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August 22, 2013

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.

SUBJECT: Affidavit Pursuant to 10 CFR 2.390

I am the Radiation Safety Officer for Thermo Process Instruments, L.P., part of Thermo Fisher Scientific, and have been delegated the responsibility of reviewing the device transfer reports which is sought to be withheld, and have been authorized to apply for its withholding. I am familiar with competitive practices in the market for products containing nuclear sealed sources licensed by the Nuclear Regulatory Commission.

In accordance with Title 10 CFR 32.52, Thermo Process Instruments, L.P. submits quarterly reports of the distribution of Generally Licensed devices to the Nuclear Regulatory Commission and individual Agreement States, listing the names and addresses of each client to whom authorized devices are transferred to and licensees from whom we receive them. Additional information about the device, such as isotope, quantity and model number is also submitted.

Thermo Process Instruments, L.P. is the sole owner of the information provided in the reports described above. To the best of my knowledge, the information, as presented, is not currently available in public sources. Thermo Process Instruments, L.P. considers lists of its active customers and information pertaining to our commercial transactions as confidential and proprietary to our company. Thermo Process Instruments, L.P. has an unwritten information classification and release policy and practice, and under this policy, lists of active customers and information relevant to commercial transactions are considered proprietary.

Such information, if made publically available, could be used by our competitors to interfere with our existing customer relationships; especially considering that a significant portion of Thermo Process Instruments, L.P. business is the sales and continuing services to existing instrument customers. Thus, making this information readily available to our competitors will provide them with a marked economic advantage in the marketplace and adversely impact the well-being of our business.

Therefore, Thermo Process Instruments, L.P. hereby asserts that all data included in transfer report documents with headings of "Transfers of devices to and from General Licensees" are confidential and proprietary. In view of the above, Thermo Process Instruments, L.P. respectfully requests that the quarterly distribution reports of generally licensed devices be withheld from public disclosure.

Sincerely,



Gamaliel Torres
Radiation Safety Officer / Nuclear Services Manager
Thermo Scientific Environmental & Process Monitoring

Thermo Fisher Scientific
1410 Gillingham Ln.
Sugar Land, TX 77478
Office: 713.272.4568
Fax: 713.272.2273
gamaliel.torres@thermofisher.com

Acknowledgement:

State of Texas
County of Fort Bend

Before me Carol A. Bell, on this day personally

appeared Gamaliel Torres known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes of consideration therein expressed.

Given under my hand and seal of office this 22nd day of August, A.D., 2013

Carol A. Bell
Signature of Notarizing Officer

