



UNITED STATES
NUCLEAR REGULATORY COMMISSION

Office of Federal and State Materials and
Environmental Management Programs
WASHINGTON, DC 20555 - 0001

September 30, 2013

Michael Justice
President
UPA Technology
8963 Cincinnati-Columbus Road
West Chester, OH 45069

**SUBJECT: NRC APPROVAL OF UPA TECHNOLOGY REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE OF QUARTERLY GENERAL
LICENSE DEVICE TRANSFER REPORTS**

Dear Mr. Justice,

UPA Technology submitted an affidavit dated March 18, 2013, requesting that the content of quarterly reports of the distribution of Generally Licensed devices be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

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

UPA Technology does not want to have their sealed source designs and customer contact information to be made public and available for review by competitors. UPA Technology is a 45 year old American owned and operated corporation. UPA Technology is the only American manufacturer of this equipment still in operation. All the competitors are foreign owned. UPA Technology customer information is strictly confidential. If competitors were to obtain this customer data from these reports, the competitors could easily begin to solicit business from any customer using UPA technology beta sources and associated instrumentation. Having UPA Technology customer information available to competitors could harm UPA Technology business and potentially cause UPA Technology to lose customers.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information contained in your quarterly device transfer reports, sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

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

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 of the date of public disclosure, in advance which will be a reasonable time thereafter.

If you have any questions, please contact me at (301) 415-6004, or e-mail Hector.Rodriguez-Luccioni@nrc.gov.

Sincerely,

/RA/

Hector Rodriguez-Luccioni, General Engineer
Licensing Branch
Division of Materials Safety and
State Agreements
Office of Federal and State Materials and
Environmental Management Programs

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If you have any questions, please contact me at (301) 415-6004, or e-mail Hector.Rodriguez-Luccioni@nrc.gov.

Sincerely,

/RA/

Hector Rodriguez-Luccioni, General Engineer
Licensing Branch
Division of Materials Safety and
State Agreements
Office of Federal and State Materials and
Environmental Management Programs

DISTRIBUTION:
MSSA r/f

OFFICE	LB/MSSA	LB/MSSA
NAME	HRodriguez-Luccioni	MKotzalas
DATE	9/28/13	9/30/13

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