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

July 9, 1980

Mr. Jay Mileham
Product Manager
NRD Division
2937 Alt Boulevard, North
Grand Island, New York 14072

IN RESPONSE REFER
TO FOIA-80-326

Dear Mr. Mileham:

This is in response to your letter dated June 20, 1980, in which you requested, pursuant to the Freedom of Information Act (FOIA), the quarterly reports for 1979 for 3M Company's Po-210 static elimination devices submitted under 10 C.F.R. 32.52.

These documents contain information which is confidential business (proprietary) information. The quarterly reports consist of computer lists of 3M Company's customers. This information is being withheld from public disclosure pursuant to exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 C.F.R. 9.5 (a)(4).

Pursuant to 10 C.F.R. 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and John G. Davis, Deputy Director, Office of Nuclear Material Safety and Safeguards.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 C.F.R. 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal From an Initial FOIA Decision."

Sincerely,

J. M. Felton, Director
Division of Rules and Records
Office of Administration