



January 6, 1995

Steven L. Baggett
Mail Stop T:8F5
U. S. Nuclear Regulatory Commission
Washington, D.C. 20277-2904

Dear Mr. Baggett:

Pursuant to your letters of November 4, 1994 and December 9, 1994, this is to confirm that ABB Industrial Systems Inc. wishes to continue to have our Quarterly General License Distribution Reports withheld from public disclosure. This includes those mailed to the License Management Branch in Washington, D.C. and the copies mailed to each of the Regional Offices. To that end, please find enclosed our request in the form of an affidavit executed by Charles W. Rowland, Vice President of Engineering and Marketing for the Pulp and Paper Division of ABB Industrial Systems Inc. Also find copies of previous correspondence referenced in paragraph 4 of the affidavit.

Thank you for your consideration of our request.

Yours truly,

Donald C. Stephens
Radiation Safety Officer

ABB Industrial Systems Inc.



AFFIDAVIT

The undersigned, being duly sworn, states as follows:

1. I am the Vice President of Engineering and Marketing for the Pulp and Paper Division of ABB Industrial Systems Inc. and have been delegated the function of reviewing the information described below and applying for its withholding from public disclosure pursuant to Title 10 CFR 2.790.

2. Our Company is required by Title 10 CFR 32.52(a) to submit a report to the Commission every calendar quarter, listing the names and addresses of each client to whom a general license distribution of a device was made. Additional information about the device, such as isotope, quantity and model number is also required. Five copies of this report are distributed; one to each regional office of the Commission and one to the License Management Branch in Washington, DC.

3. Our Company is the sole owner of the information provided in the reports described in 2, above.

4. The information is submitted to, and received by, the Commission in confidence, and has been since 1960. On March 21, 1961, following a submittal by us dated September 15, 1960, Robert Lowenstein, then Acting Director, Division of Licensing and Regulations, advised us that the reports would be withheld from public inspection pursuant to 10 CFR 2.790. Subsequently, in telephone conversations with Dr. Mallett, Chief, Materials Licensing Section, Region III, in May of 1984 the proprietary nature of the reports was reconfirmed. On March 26, 1987 we restated our position for Mr. Donnie H. Grimsley, Director, Division of Rules and Records in the matter of Freedom of Information inquiry FOIA-86-413. Finally, we have always included a statement with each quarterly submittal that we hold the information to be proprietary.

5. To the best of our knowledge, the information, as presented, is not currently available in public sources.

6. Our Company customarily treats this type of information as confidential. We have a formal information security classification and disclosure policy, and under this policy lists of active customers and information relevant to their measurement geometries is considered Company Proprietary.

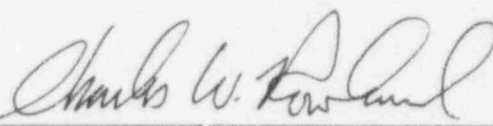
7. Public disclosure of the information would be likely to cause substantial harm to our competitive position. It takes considerable resources to develop a market and determine the optimum measurement geometry. Other companies wishing to compete with us would be able to gain a list of potential customers who are already known to be users of the product they wish to sell. Furthermore, they would be able to make certain inferences about the optimum measurement geometry from the isotope and quantity information and about the system configuration from the number and types of gauges. This would permit a company to quote competitively without expending

ABB Industrial Systems Inc.

the same resources, placing them at a distinct and unfair advantage in pricing their offering. Furthermore, a significant part of our income is derived from continuing services. A number of independent organizations are now entering this field. Publishing our quarterly reports or summary lists of all quarterly reports provides them with a convenient and cheap customer list from which to assail our market. It is not easy to assess the cost of developing this information. It would include, at least, the overheaded man hours of the sales and application engineers as they make calls on hundreds of plants throughout the United States to determine whether they are candidates for our devices, and, if so, which specific devices in which configurations would best serve their processes and products. We do not know how else this detailed information could be acquired except from our detailed distribution lists.

8. In view of the above we respectfully request that the General License Distribution Reports that we quarterly distribute to the License Management Branch and the Regional Offices of the U.S. Nuclear Regulatory Commission continue to be withheld from public disclosure.

Dated JANUARY 9, 1995


Charles W. Rowland

ACKNOWLEDGMENT

State of Ohio)
County of Franklin) ss:

The foregoing Affidavit was acknowledged as true and correct before me

this 9th DAY OF JANUARY, 1995 by Charles W. Rowland who was duly sworn.



Notary Public

RUTH A. COBURN
Notary Public for State of Ohio
My Commission Expires Dec. 17, 1995