

MAR 01 1995

Gamma Instruments  
732 N. Highland Ave  
Aurora, IL 60506

Dear Mr. Bors:

This is in reference to your letter dated February 10, 1995, in which you requested that the reports of transfers of devices containing byproduct material to persons generally licensed be withheld from public disclosure pursuant to 10 CFR 2.790.

Section 2.790(b)(1) of 10 CFR Part 2 requires that each supporting application be accompanied by an affidavit that contains a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.790(b)(4).

Your application has been reviewed in light of the aforementioned paragraphs of the regulations and your application was not accompanied by a notarized affidavit. In addition, your application did not contain all of the information required by 10 CFR 2.790(b). Accordingly, consideration should be given to supplementing the present record with additional factual information. Please refer to my letters dated November 4, 1994, and December 9, 1994, for additional information concerning the requirements of 10 CFR 2.790(b).

In summary, we have determined that your application is not in conformity with 10 CFR 2.790(b). Consequently, we are unable to conclude at this time that the information referenced in the application is proprietary.

In accordance with 10 CFR 2.790(c), the information sought to be withheld will be placed in the Commission's Public Document Room unless you provide the Commission with an amended application which meets the requirements of 10 CFR 2.790(b) within 30 days of the date of this letter.

If you have any questions, please contact Mr. John Lubinski of my staff at (301) 415-7868.

Sincerely,

Original Signed By:  
Steven L. Baggett

Steven L. Baggett, Section Chief  
Sealed Source Safety Section  
Source Containment and  
Devices Branch  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

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