



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 22, 1994

Alan J. Peterson
Radiation Safety Officer
Kay-Ray/Sensall, Inc.
1400 Business Center Drive
Mount Prospect, IL 60056-6063

Dear Mr. Peterson:

This is in reference to your letter dated December 14, 1994, and affidavit dated December 12, 1994, 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.

You stated that the submitted information should be considered exempt from mandatory public disclosure since the reports represent a customer list and could allow your competitors to learn your marketing and financing strategies, the extent of your market penetration, and your production capacity.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the information in the reports submitted in accordance with 10 CFR 32.52, taken as a whole, constitutes trade secrets or proprietary commercial information. Therefore, each report submitted between January 1, 1995, and December 31, 1999, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

However, the Nuclear Regulatory Commission (NRC) has determined that, when not associated with the manufacturer (that is, either by the manufacturer's name, the device model number, or the type of device), the following information contained in the reports can be disclosed:

1. Name of the general licensee.
2. Address of the general licensee.
3. The individual who constitutes a point of contact between NRC and the general licensee.

Starting in 1988, NRC has placed a list of all persons using byproduct material under the general license in 10 CFR 31.5 in the NRC Public Document Room. The list has been updated every six months.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

A. Peterson

-2-

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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

original signed by:

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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