



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

January 26, 2009

EA No. 08-237  
NMED No. 080128

Mr. Clinton Lingren, President  
SABIA, Inc.  
7944 Convoy Court  
San Diego, California 92111

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(SABIA, INC., DOCKET NO. 030-35997)

Dear Mr. Lingren:

During the November 10, 2008, Predecisional Enforcement Conference with NRC, you were requested to provide NRC with certain documents so that we could evaluate the effectiveness and completeness of your corrective actions. In response to the request, on November 22, 2008, you electronically submitted several documents to NRC for review. The enclosed table contains a record of the documents that you submitted. In your submission, some documents were marked "Security-Related Information, withhold from public disclosure under 10 CFR 2.390" whereas some documents were marked "SABIA Proprietary."

On December 11, 2008, an NRC staff member sent you an electronic mail wherein you were requested to clarify the intent of SABIA's request for withholding (ML083500199). The electronic mail also reminded you of the requirements of 10 CFR 2.390 with respect to properly submitting a request for withholding to NRC.

On December 18, 2008, Mr. James Miller, Radiation Safety Officer, electronically responded to the inquiry and revised his opinion as to which information needed to be withheld as "Security-Related Information" (ML083650277). Mr. Miller also noted that all SABIA company documents are marked as "SABIA Proprietary" to identify material which may be used to reproduce or circumvent the design of products, or of company technical information, or to allow "reverse-engineering" of a company proprietary design. However, SABIA did not provide NRC with the information required by 10 CFR 2.390 to further support your request for withholding.

NRC strives to maintain openness and provide the public with access to information about the facilities and materials it regulates. The NRC has conducted a review of the documents identified in the enclosure and has determined that the information contained therein does not warrant withholding from public disclosure.

In accordance with 10 CFR 2.390(c), this letter is being provided to you as notice that the documents identified in the enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), fifteen (15)

days from the date of this letter. If within fifteen (15) days of the date of this letter, you provide additional written justification for the withholding of the documents, the NRC will withhold release pending our review of your response and will advise you of any proposed release prior to taking that action. Your request will be considered in light of applicable statutes and regulations.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC website at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). Because your response, if any, will be made available electronically for public inspection to the extent possible, it should not include any personal privacy, proprietary, information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

If you have any questions concerning the information provided in this letter, please contact Jack E. Whitten at (817) 860-8197.

Sincerely,

***/RA Charles L. Cain for/***

Arthur T. Howell, III, Director  
Division of Nuclear Materials Safety

Docket No. 030-35997  
License No. 11-27727-01

Enclosure: As stated

cc w/enclosure:  
James F. Miller, Radiation Safety Officer  
SABIA, Inc.  
7944 Convoy Court  
San Diego, California 92111

via e-mail:

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RIV Materials Docket File (5th Floor)

SUNSI Review Completed: ADAMS:  Yes Initials: JFK  
 Publicly Available  Non-Sensitive

S:\DNMS\!NMIB\~REPORTS IN CONCURRENCE\sabia withholding letter.doc final r:\\_dnms

FSME: ASPB	RIV: BC: NMSB-B	RIV: RC	RIV:D:DNMS
JFKatanic	JEWhitten	KDFuller	AHowell
<i>/RA/w/one chg to cover ltr</i>	<i>/RA RJT for/w/one editorial chg</i>	<i>/RA/</i>	<i>/RA CLCain for/</i>
12/31/08	12/31/08	01/22/09	01/26/09

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

## SABIA Documents to be Made Publicly Available

1. Letter dated November 21, 2008, SUBJECT: NRC Inspection Report 030-35997/08-01 with Attachments as follows:	
	Summary of Changes to Radiological Procedures
2. Letter dated November 21, 2008, SUBJECT: NRC Inspection Report 030-35997/08-01 with Attachments as follows:	
	SABIA Radiological Procedure 1002010, Rev. A, Nuclear Source Leak Test Report Form
	SABIA Radiological Procedure 1002011, Rev. A, Radiation Survey Procedure, Work Area
	SABIA Radiological Procedure 1002012, Rev. A, Installation Removal or Service of Fixed Radiation Gauge (Non-Routine Maintenance)
	SABIA Radiological Procedure 1002013, Rev. A, Radioactive Materials Receipt Form
	SABIA Radiological Procedure 1002014, Rev. A, Source Installation and Removal, Radiation Gauge
	SABIA Radiological Procedure 1002015, Revision not noted, XC-5000 Source Shutter, Analyzer Leak Test Procedure
	SABIA Radiological Procedure 1002016, Revision not noted, XL-5000 Source Shutter, Analyzer Leak Test Procedure
3. Letter dated November 21, 2008, SUBJECT: NRC Inspection Report 030-35997/08-01 with Attachments as follows:	
	SABIA Radiological Procedure 1002000, Rev. A, Emergency Procedures, Nuclear Gauges
	SABIA Radiological Procedure 1002002, Rev. A, ALARA Practices Policy
	SABIA Radiological Procedure 1002003, Rev. A, Inspection and Receiving Procedure, Radioactive Materials
	SABIA Radiological Procedure 1002004, Rev. A, Packing and Transporting Sealed Radioactive Sources
	SABIA Radiological Procedure 1002007, Rev. A, Nuclear Source Leak Test Report and Semi-Annual Inventory
	SABIA Radiological Procedure 1002008, Rev. A, Physical Inventory of Sealed Radioactive Sources
	SABIA Radiological Procedure 1002009, Rev. A, Nuclear Source Leak Test Calculation Sheet

**ENCLOSURE**