



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

AUG 27 1979

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for microfiche

Mr. D. W. Zeff, Manager
Safety, Licensing, and Safeguards
Babcock & Wilcox Company - CNFP
P.O. Box 1260
Lynchburg, VA 24505

IN RESPONSE REFER
TO FOIA-79-285

Dear Mr. Zeff:

This is in response to your letter of July 23, 1979 in which you requested, pursuant to the Freedom of Information Act, copies of each of the USNRC inspection modules used by I&E inspectors at uranium processing and fabrication facilities.

Enclosed is a list, from the Office of Inspection and Enforcement (I&E) Manual, of the inspection procedures (modules) applicable to uranium processing and fabrication facilities. Enclosure number 1 (MC 2645) lists the I&E Health and Safety Inspection Procedures. Enclosure number 2 (MC 2685) lists the Safeguards Inspection Procedures. The I&E Manual is available for public inspection and copying at eight cents (\$0.08) per page at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

The inspection sections of the I&E Manual, "Section 1. Inspection Objectives and Section 3. Inspection Guidance," have been made available to the public. Those portions of the manual containing law enforcement material, "Section 2. Inspection Requirements" (containing the requirements which IE inspectors must meet), have been deleted. Law enforcement material comprises material which, if disclosed, "would significantly impede enforcement [of the law] or would have the sole effect of enabling violators to escape detection," Hawkes v IRS, 507 F. 2d 481 (6th Cir. 1974) or "would tend to defeat the purpose of inducing maximum voluntary compliance by revealing classes or types of violations which must be left undetected or unremedied because of limited resources." Stokes v Brennan, 476 F. 2d 699 (5th Cir. 1973).

Pursuant to 10 CFR 9.9(b) of the Commission's regulations, it has been determined that the information withheld relates solely to the internal personnel rules and practices of an agency and is exempt from public disclosure. The disclosure of this information would be contrary to the public interest. This denial is based upon Exemption (2) of the Freedom of Information Act (5 U.S.C. 552(b)(2) and 10 CFR 9.5(a)(2) of the Commission's regulations. The persons responsible for this denial are the undersigned and Victor Stello, Director, Office of Inspection and Enforcement.

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This denial may be appealed to the Commission's Executive Director for Operations within 30 days after the receipt of this letter. As provided by 10 CFR 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,

Letty L. Wagner
for J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

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