



FOIA-87-709

RESPONSE TYPE

☒ FINAL☐ PARTIAL

DATE

DEC 31 1987

DOCKET NUMBER(S) (if applicable)

PDR-016
RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

REQUESTER

Mr. M. Michael Devic

PART I. - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC☒ Agency records subject to the request that are identified in Appendix B are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

*J. J. Meyer for D. H. Grimsley*8801070006 871231
PDR FOIA
DEVIC87-809 PDR

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices C are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order 12356 (EXEMPTION 1)
2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (EXEMPTION 2)
3. The withheld information is specifically exempted from public disclosure by statute indicated: (EXEMPTION 3)

Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).

X

5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. (EXEMPTION 5)

6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)

7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)

Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))

Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))

The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Hugh L. Thompson	Director, Office of Nuclear Material Safety & Safeguards	C-1		X
Bert Davis	Regional Administrator Region 111	C-2, 3, 4 & 5		X
James P. Murray	Deputy General Counsel for Hearings & Enforcement	C-6	X	

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, 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."

APPENDIX B

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

1. 4/1982 Draft Regulatory Guide and Value/Impact Statement - Qualifications for the Radiation Safety Officer in a Large-Scale Non-Fuel-Cycle Radionuclide Program. (17 pages)
2. 11/6/84 Memo R. E. Cunningham to Regional Administrators/Branch Chiefs re: Policy and Guidance Directive FC 84-18: Transportation of Irradiator Units Not Meeting Current Requirements of 10 CFR Part 71. (2 pages)
3. 5/16/85 Memo J. A. Hind to R. L. Spessard re: Inspection of Large Irradiators w/attachments. (8 pages)
4. 11/26/85 Memo W. L. Axelson to B. S. Mallett re: Licensing of Pool Irradiators Greater than 10,000 Curies. (2 pages)
5. 12/18/85 Memo W. L. Axelson to D. J. Sreniawski/D. G. Wiedeman Inspection Guidance for Pool Irradiators w/enclosure. (5 pages)
6. 3/13/86 Memo W. L. Axelson to L. I. Cobb re: Inspection of Large Pool Irradiators Prior to Issuance of a License w/attachments. (22 pages)
7. 7/7/86 Inspection and Enforcement Manual, Chapter 2815, Construction and Preoperational Inspection of Panoramic, Wet-Source-Storage Gamma Irradiators. (7 pages)
8. 1/28/87 Ltr J. A. Hind to A. Chin w/attachment. (2 pages)
9. 2/3/87 Memo for License File re: Minutes of Meeting Concerning Maintenance of Safety Systems for Irradiator Facilities. (2 pages)
10. 3/11/87 Ltr M. W. Golchert to A. Januska. (1 page)
11. 3/18/87 Memo R. Lickus to Multiple Addresses re: Notification of Significant Enforcement Action w/enclosure. (2 pages)
12. 3/20/87 News Announcement 87-24. (1 page)
13. 4/8/87 Inspection and Enforcement Manual, Chapter 2800, Materials Inspection Program. (24 pages)

APPENDIX C

RECORDS TOTALLY WITHHELD EXEMPTION 5

1. 10/12/84 Memorandum from Cunningham for Regional Administrators and Branch Chiefs, Division of Fuel Cycle and Material Safety, NMSS, subject: Policy and Guidance Directive FC 84-XX: Transportation of Irradiator Units Not Meeting Current Requirements of 10 CFR Part 71. (2 pages)
2. 1/27/87 Memorandum from Schultz for File, subject: Radiation Sterilizers, Inc., License No. 04-19644-01, Enforcement Board Briefing w/attachments. (9 pages)
3. 2/23/87 Memorandum from Schultz for Enforcement Conference Attendees, subject: Enforcement Conference, Radiation Sterilizers, Inc., Proposed Civil Penalty, License No. 04-19644-01 w/sign-in sheet. (3 pages)
4. 2/25/87 Memorandum from Grobe for Beach, subject: Radiation Sterilizers, Inc., Proposed Civil Penalty w/enclosures. (14 pages)
5. 6/2/87 Memorandum from Davis for Lieberman, subject: Radiation Sterilizers Incorporated Order Imposing Civil Monetary Penalty w/enclosures. (20 pages)
6. 7/7/87 Memorandum from Sohinki for Lieberman, subject: Radiation Sterilizers, Inc., (EA-87-28) w/enclosure. (10 pages)

**RADIATION
STERILIZERS
INCORPORATED**

October 13, 1987

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-87-709
Rec'd 10-19-87

Ms. Kathy Anderson
United States Nuclear Regulatory Commission
Freedom of Information Act - Coordinator
Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Ms. Anderson:

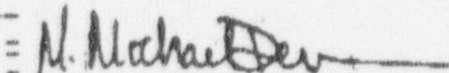
In accordance with the provisions of the Freedom of Information Act,
I would like to request photocopies of the following documents,
materials and/or publications from your office:

- 1.) A complete copy of inspection reports, notes, minutes of internal NRC meetings and any other pertinent information and subsequent correspondence covering the inspections of Radiation Sterilizers, Inc. 305 Enterprise Drive Westerville, Ohio 43081 and Radiation Sterilizers, Inc. 711 East Cooper Court Schaumburg, Illinois 60173 conducted by Mr. Jim Lynch et-al. in January of 1987.
- 2.) I would also like to request a photocopy of any available Inspection Manual(s) used by inspectors in your region as guidelines or criteria in conducting licensee inspections and/or audits of commercial irradiators or radiation facilities.
- 3.) In addition please forward a photocopy of material referred to as Draft Inspection Report for Industrial Facilities; Manual Chapter(s) 2800.

Copies of these items together with an invoice for pertinent charges can be sent to my attention at the address specified herein.

Thank you in advance for your prompt attention and assistance with this request.

Sincerely,



M. Michael Devic
Vice-President, Regulatory Affairs

Send to:
M. Michael Devic
Radiation Sterilizers, Inc.
2300 Mellon Court
Decatur, GA 30035

MMD/lms

Radiation Sterilizers Incorporated, 2300 Mellon Court, Decatur, Georgia 30035/ Telephone: (404)881-4077

OCT 15 1987

87-2046469 4p.