



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 92-93

RESPONSE TYPE

☒ FINAL☐ PARTIAL

DATE

MAY - 4 1992

DOCKET NUMBER(S) (if applicable)

REQUESTER

Thomas J. Moutvic

PART I.—AGENCY 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.

☐ Requested records are available through another public distribution program. See Comment section.

☐ Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) B are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ 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, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed. [Appendix B, and releasable portions of Appendix C documents are enclosed.]

☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

☒ Fees

☒ You will be billed by the NRC for fees totaling \$ 205.45*

☐ You will receive a refund from the NRC in the amount of \$ _____

☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____

PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, 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, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

*The fees for processing your request are as follows:

15 minutes professional search @ \$.48 per minute:	\$ 7.20
1 hour professional review @ \$29.10 per hour:	29.10
2 hours, 45 minutes clerical search @ \$13.80 per hour:	37.95
2 hours clerical review @ \$13.80 per hour:	27.60
518 pages duplication @ \$.20 per page:	103.60
	<u>\$205.45</u>

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donald A. Anderson

9212090214 920504
PDR FOIA
MOUTVIC92-93 PDR

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)**

FOIA NUMBER(S)

FOIA — 92-93

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PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) C are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.7(a) of NRC regulations.

<input type="checkbox"/>	1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)
<input type="checkbox"/>	2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)
<input type="checkbox"/>	3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)
<input type="checkbox"/>	Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
<input type="checkbox"/>	Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
<input checked="" type="checkbox"/>	4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)
<input checked="" type="checkbox"/>	The information is considered to be confidential business (proprietary) information.
<input type="checkbox"/>	The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
<input type="checkbox"/>	The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
<input type="checkbox"/>	5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:
<input type="checkbox"/>	Deliberative Process. 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 records would permit an indirect inquiry into the predecisional process of the agency.
<input type="checkbox"/>	Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)
<input type="checkbox"/>	Attorney-client privilege. (Confidential communications between an attorney and his/her client.)
<input checked="" type="checkbox"/>	6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)
<input type="checkbox"/>	7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)
<input type="checkbox"/>	Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A)).
<input type="checkbox"/>	Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C)).
<input type="checkbox"/>	The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D)).
<input type="checkbox"/>	OTHER

PART II.C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) 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 Freedom of Information and Publications Services, 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		
			EDO	SECRETARY	IG
Thomas T. Martin	Regional Administrator, Reg. I	C/1	X		
Robert Bernero	Director, NMSS	C/2	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 there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	3/26/74	Letter from J. Ransohoff, Neutron Products, Inc., to C. MacDonald, NRC, regarding application for relicensing, with enclosures. (83 pages)
2.	11/17/75	Letter from P. Nelson to Neutron Products. (2 pages)
3.	8/15/77	Letter from Robert McClintock to Neutron Products, subject: Inspection #77-01. (2 pages)
4.	12/5/77	10 CFR Part 21 Report. (5 pages)
5.	6/30/78	Letter from F. Kreysa to NRC, enclosing description of Neutron Products Quality Assurance Program. (14 pages)
6.	7/21/78	Letter from M. Turkanis to Francis St. Mary. (2 pages)
7.	3/12/70	Letter to all Medical Licensees from William Dircks, attaching order. (5 pages)
8.	5/12/80	Letter from C. Smedira to C. MacDonald, subject: Neutron Products' Certificate of Compliance No. 5364. (61 pages)
9.	7/10/80	Letter from C. MacDonald to C. Smedira, enclosing Quality Assurance Program Approval of Radioactive Material Packages No. 0121, Rev. No. 0. (2 pages)
10.	10/21/80	Report of Proposed Activities in Non-Agreement States. (13 pages)
11.	10/31/80	Letter from C. MacDonald to C. Smedira, enclosing Quality Assurance Program Approval of Rad. Mat. Packages. (2 pages)
12.	11/18/80	Inspection Report No. 80-01. (9 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
13.	12/11/80	Letter from J. Kinneman to M. Turkanis, subject: Inspection 80-01. (1 page)
14.	6/29/81	Letter from Alice Dolezal to D. Moore. (2 pages)
15.	7/20/82	Inspection Report No. 82-01. (11 pages)
16.	3/7/83	Letter from C. Collins to J. Kenneman. (1 page)
17.	6/3/83	Letter from C. Smedira to C. MacDonald. (1 page)
18.	7/26/83	Memr from Bernard Singer to Donald Nussbaumer, subject: Request for Technical Assistance. (2 pages)
19.	10/27/83	Letter from T. Snyder to C. MacDonald. (3 pages)
20.	11/16/83	Letter from C. MacDonald to T. Snyder. (1 page)
21.	4/8/85	Letter from F. Schwoerer to C. MacDonald. (2 pages)
22.	11/1/85	Letter from W. Costley to C. MacDonald. (1 page)
23.	11/11/85	Letter from F. Schwoerer to C. MacDonald, subject: Certificate of Compliance No. 5942. (9 pages)
24.	12/4/85	Letter from J. A. Ransohoff to C. MacDonald, enclosing Quality Assurance Program for the Transportation of Radioactive Materials. (14 pages)
25.	1/8/86	Letter from F. Schwoerer to C. MacDonald, regarding Certificate of Compliance No. 5942. (14 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
26.	2/6/86	Letter from F. Schwoerer to C. MacDonald, regarding Certificate of Compliance. (1 page)
27.	2/28/86	Letter from F. Schwoerer to C. MacDonald, regarding Certificate of Compliance No. 5942. (44 pages)
28.	3/31/86	Letter from F. Schwoerer to C. MacDonald. (1 page)
29.	6/10/86	Telephone or Verbal Conversation Record. (1 page)
30.	6/24/86	Telephone or Verbal Conversation Record. (1 page)
31.	7/9/86	Conversation Record. (1 page)
32.	8/4/86	Conversation Record. (1 page)
33.	9/9/86	Conversation Record. (1 page)
34.	10/29/86	Conversation Record. (1 page)
35.	11/25/86	Letter from F. Schwoerer to C. MacDonald. (1 page)
36.	12/30/86	Letter from F. Schwoerer to C. MacDonald, enclosing information in support of application for approval of the Model No. NPI-20WC-6 MKII. (38 pages)

Re: FOIA-92-93

APPENDIX C
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	6/21/82	Letter from Neutron Products to Radiation Technology, Inc., with enclosures. (28 pages) Portions withheld pursuant to Exemption 6.
2.	11/22/83	Letter from the State of Maryland Department of Health & Mental Hygiene, to NRC, enclosing 11/14/83 letter from Neutron Products with enclosures. (15 pages released, 13 pages withheld.) Portions withheld pursuant to Exemption 4.

Baxter

February 19, 1992

Mr. Donny Grimsley
United States Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

RE: Freedom of Information Act Request

FOIA-92-93
Rec'd 2-25-92

Dear Donny:

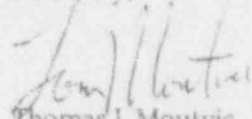
We are seeking any information regarding licensing, inspections by NRC, responses by NPI to inspections by NRC that you may have on the following company:

301
349-5001

NEUTRON PRODUCTS INCORPORATED
Dickerson, Maryland 20842

We would appreciate receiving any information you have on this supplier of cobalt. We appreciate your assistance in this matter.

Sincerely,



Thomas J. Moutvic
Manager, Regulatory Affairs
Convertors/Custom Sterile Divisions

cc: Andrew Balo, MPK
Don Patterson, El Paso

62-10220187-1p