



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

APR 05 1985

PDR-016

Ms. Barbara M. Carman  
6215 Forest Road  
Cheverly, MD 20785

IN RESPONSE REFER  
TO FOIA-84-729

Dear Ms. Carman:

This is in response to your letter dated September 3, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all documents pertaining to licensing, inspection, and investigation of Mid-States Logging and Perforating Co. and United Wire Line Co., both of which are located in Fairfield, Illinois. You also requested copies of certain other documents as more particularly described in your letter.

The documents listed on Appendix A are responsive to your request. Copies of the documents are enclosed. The charges for reproducing records not located in the NRC Public Document Room is seven cents (\$0.07) per page as specified in 10 CFR 9.14, a copy of which is enclosed. Accordingly, the cost of reproducing the 190 pages supplied to you totals \$13.30. You will be billed by the NRC's Division of Accounting and Finance for the amount of \$13.30.

Portions of the documents listed on Appendix B, and the entire documents listed on the enclosed Appendix C are being withheld pursuant to the exemptions cited next to the description of the documents listed on the appendices.

Information being withheld pursuant to Exemption (4) identifies procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility or plant. This information is considered commercial or financial (proprietary) information pursuant to 10 CFR 2.790(d) and is being withheld from public disclosure pursuant to Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations.

Information being withheld pursuant to Exemption (6) is not being disclosed because disclosure of this information would constitute a clearly unwarranted invasion of personal privacy, and it is being withheld from public disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6).

Information being withheld pursuant to Exemption (7)(A), (7)(B), (7)(C), and (7)(D) consists of investigatory records compiled for law enforcement purposes and is being withheld from public disclosure pursuant to Exemption (7)(A), (7)(B), (7)(C), and (7)(D) of the FOIA (5 U.S.C. 552(b) (7)(A), and (7)(B), and (7)(C), and (7)(D)) and 10 CFR 9.5(a)(7)(i), and (a)(7)(ii), and (a)(7)(iii), and (a)(7)(iv) of the Commission's regulations, respectively, because disclosure of the information would, under (7)(A) and (a)(7)(i), interfere with an enforcement proceeding; would, under (7)(B) and (a)(7)(ii), deprive a person of the right to a fair trial or impartial adjudication; would, under (7)(C) and (a)(7)(iii), constitute an unwarranted invasion of personal privacy; and would, under (7)(D) and (a)(7)(iv), disclose the identity of a confidential source.

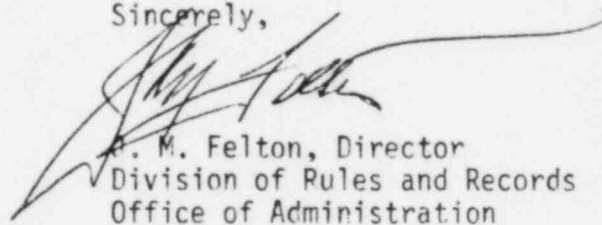
Additionally, while conducting the investigation, the NRC became aware of certain information which warranted attention by the Department of Justice. These investigatory matters have been referred to the Department of Justice for appropriate action. Our records indicate that these matters are still pending Department of Justice action.

Pursuant to 10 CFR 9.9 of the NRC's 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 this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III (Chicago).

This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 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."

Your interest "in files regarding licensing and inspection processes" requires clarification so we can respond to you. Mr. Frank W. Karas would like to discuss this portion of your request with you. He can be reached at (301) 492-4610, since we do not have your telephone number to call you.

Sincerely,



R. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

APPENDIX A

- A1. 1/1/84 Guide for Preparation of Applications for use of Radioactive Materials (20 pages)
- A2. 4/9/84 Application for Byproduct Material License (70 pages)
- A3. 5/10/84 Letter from Hind to Gherardini, arranging enforcement conference (1 page)
- A4. 5/84 Notice of significant licensee meeting on 5/18/84 (1 page)
- A5. 5/18/84 Conversation record of Mallett to Gherardini about the amendment request (3 pages)
- A6. 5/31/84 Conversation record from Mallett to Gherardini on amendment request (2 pages)
- A7. 6/14/84 Letter Mallett to Gherardini with Amendment #2 (27 pages)
- A8. 6/19/84 Memo Schultz to Axelrad, Mid States Logging proposed civil penalty plus 2 attachments (25 pages)
- A9. 6/25/84 Conversation record of Mallett on conference on 6/25/84 with Hubbard, Hubbard and Evans, Davis and Axelson (4 pages)
- A10. 7/2/84 Letter Mallett to Hubbartt enclosing license 12-24320-01 (2 pages)
- A11. 7/2/84 Enclosure to letter, License 12-24320-01 (3 pages)
- \*A12. 7/10/84 Letter Keppler to Gherardini on safety inspection on 4/30 thru 5/2/84 (6 pages) - Accession 8407160202 (PDR).
- A13. 7/10/84 Letter Keppler to Gherardini on safety inspection (6 pages)
- \*A14. 7/18/84 Letter Gherardini to NRC on Civil Penalties (8 pages)- 8408080179 (PDR).
- A15. 7/19/84 Materials license 12-19985-01, amendment 1 and 2 (6 pages)
- A16. 7/23/84 Letter Whiston to Gherardini on license 12-19985-01, amendment 2 (5 pages)
- \*A17. 8/8/84 Letter Axelrad to Gherardini acknowledging receipt of check for civil penalties (1 page)- Accession 8408130606 (PDR)

\*This document can be located in the NRC Public Document Room by the Accession Number indicated.

APPENDIX B

(Portions Withheld)

- B1. 05/15/84 Allegation Data form on Mid States Logging (1 page)  
(FOIA Exemption 7(A))
- B2 06/1/84 Allegation Tracking Update Sheet, May and June (2 pages)  
(FOIA Exemption 7(A))

APPENDIX C

(Entirely Withheld)

- C1. 03/18/82 Resolution of Board of Directors of Mid States Logging (1 page) FOIA Exemptions 4, 7(A), 7(B).
- C2. 03/19/84 Letter to Mid States Logging from Hubbartt with resignation (1 page) FOIA Exemptions 4, 6, 7(A).
- C3. 05/14/84 Memo to Weil from Axelson, Lost sealed source (3 pages) FOIA Exemptions 6, 7(A), 7(B).
- C4. 05/15/84 Memo to Weil from Wiederman, update of lost/stolen source with two attachments (5 pages) FOIA Exemptions 7(A), 7(B), 7(C), 7(D).
- C5. 05/15/84 Memo to Pawlik from Keppler, request for investigation with four attachments (11 pages) FOIA Exemptions 7(A), 7(B), 7(C), 7(D).
- C6. 05/17/84 Memo to RIII Files from Gibbons, telecon pertaining to lost AM-241 source (2 pages) FOIA Exemptions 7(A), 7(B), 7(C), 7(D).
- C7. 05/17/84 Memo to Pawlik from Weil, investigation of Mid States Logging with one attachment (2 pages) FOIA Exemptions 7(A), 7(C).
- C8. 05/17/84 Memo to Hind from Weil, investigation of Mid States Logging (2 pages) FOIA Exemptions 7(A), 7(B), 7(C), 7(D).
- C9. 05/18/84 Letter to NRC from Gheradini on missing source (2 pages) FOIA Exemptions 7(A), 7(B).
- C10. 05/18/84 Letter to Gheradini from Weil, Mid States Logging with one attachment (2 pages) FOIA Exemptions 7(A), 7(B), 7(D).
- C11. 05/22/84 Memo to Pawlik from Weil, investigation of Mid States Logging with four attachments (10 pages) FOIA Exemptions 4, 6, 7(A), 7(B), 7(C), 7(D).
- C12. 05/22/84 Memo to Pawlik from Keppler, request for investigation (1 page) FOIA Exemptions 7(A), 7(B).
- C13. 05/23/84 Letter to Hancock from Pawlik forwarding memoranda on theft/loss of source w/enclosures (31 pages) FOIA Exemptions 7(A), 7(B), 7(C), 7(D)