



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

SEP 20 1985

PDR  
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Brian B. Smith, Esquire  
Stark and Gordon  
1600 Ford Building  
Detroit, MI 48226

IN RESPONSE REFER  
TO FOIA-85-140

Dear Mr. Smith:

This is in further response to your letter dated February 28, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), three categories of documents related to an NRC inspection of clinics run by Dr. Ramasami Gunabalan in the Detroit, Michigan, area.

The documents listed on enclosed Appendix B are enclosed.

The documents listed on enclosed Appendix C contain investigatory information which is being withheld from public disclosure pursuant to Exemption (7)(A) of the FOIA (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations. The investigatory information being withheld was compiled as part of an ongoing enforcement proceeding. Release of this information could allow those being investigated to learn the scope, direction, and focus of investigatory efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators.

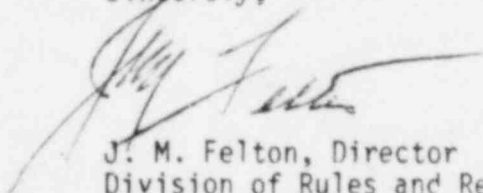
Documents 1 and 2 of enclosed Appendix C also contain personal information which is exempt from disclosure pursuant to Exemption (7)(C) of the FOIA (5 U.S.C. 552(b)(7)(C)) and 10 CFR 9.5(a)(7)(iii) of the Commission's regulations. The personal information includes the names of a patient and former employees, home telephone numbers, and personal information regarding several individuals. To disclose the names and other identifying information concerning these individuals would constitute a clearly unwarranted invasion of personal privacy. The nonexempt portions of document 1 are enclosed.

Pursuant to 10 CFR 9.15 of the Commission'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 person responsible for the denial of the withheld portions of document 1 and documents 2 through 5 of Appendix C is Mr. Ben B. Hayes, Director, Office of Investigations.

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This denial may be appealed to the Secretary of the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed 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."

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", with a long, sweeping horizontal stroke extending to the right.

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

Enclosures: As stated

APPENDIX B

	<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>PAGES</u>
1.	07/24/84	Allegation Data Form	1
2.	09/04/84	Allegation Tracking System Update Sheets	6

APPENDIX C

	<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>PAGES</u>
1.	08/02/84	Memorandum C. Weil to J. Hind regarding the "Allegation re: Radiological Imaging Consultants, St. Claire, MI (License No. 21-20279-01) ATS No. RIII-84-A-0106."	4
2.	12/03/84	Memorandum signed by Toye Simmons regarding an allegation of employee coercion in the matter of Radiological Imaging Consultants - NRC License No. 21-20279-01.	1
3.	12/19/84	Memorandum from J. Keppler to E. Pawlik requesting an investigation of Radiological Imaging Consultants (Bloomfield, Michigan), NRC License No. 21-20279-01.	1
4.	02/19/85	Memorandum from C. Weil to E. Pawlik regarding the investigation of Radiological Imaging Consultants; NRC License No. 21-20279-01.	1
5.	Undated	Investigation Status Record for Radiological Imaging Consultants; Case No. Q3-85-001.	2

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LAW OFFICES  
STARK AND GORDON

STARK AND GORDON  
FERNANDEZ GORDON  
SMITH

1000 FORD BUILDING  
DETROIT, MICHIGAN 48226  
TELEPHONE (313) 267-3784

February 28, 1985

Nuclear Regulatory Commission:  
Region Three  
Attention: Ms. Rose Douglas  
799 Roosevelt Rd.  
Glen Allen, Illinois 60137

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-85-140

rec'd 03/05/85

Dear Ms. Douglas:

Pursuant to the Freedom Of Information Act, 5 U.S.C. Section 522 et seq., I hereby respectfully request that you produce copies of the following documents:

- 1) Any and all notes, reports, or other memoranda generated by Ms. Toy Simmons or any other NRC employee, agent, or representative in connection with the inspection of the clinics run by Dr. Ramasami Gunabalan in the Detroit metropolitan area, in or around August and November 1984, including the following clinics:
  - a) Woodward Nuclear Laboratory P.C.
  - b) Radiological Imaging Consultants.

- 2) Any and all memoranda generated by Dr. Gunabalan, the above-named clinics or any person acting on behalf of Dr. Gunabalan, in response to any inquiries, reports, or correspondence sent to Dr. Gunabalan from the NRC.

- 3) Any and all memoranda generated by the NRC's Office of Investigation with regard to Dr. Gunabalan, the above-named clinics or any other clinics with which Dr. Gunabalan is affiliated (if such "other clinics" are known).

The reason I am requesting this documentation is for purposes of determining whether Dr. Gunabalan complied with applicable federal regulatory laws in operating his clinic. I am an attorney in Detroit, and I represent a former employee of Dr. Gunabalan's, Leslie Bierlein, in a lawsuit against Dr. Gunabalan and Woodward Nuclear Lab. As one component of Leslie's claims against Dr. Gunabalan, I have alleged that he retaliated against her, at least in part, for participating in a proceeding which led to the NRC inspection of his clinics last year.

In that regard, I am extremely interested in obtaining any information I can from the NRC as a reliable, impartial third

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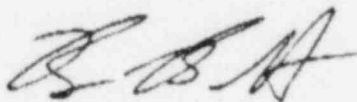
NRC  
February 28, 1985  
Page two

party. In addition to the above-requested documents, I would very much like to know what the present status of the NRC's inspection/investigation of Dr. Gunabalan and/or his clinics is. I would be happy to pay any reasonable copying costs incurred in processing my request.

If for some reason you are unable to process my request, I would appreciate it if you would contact me at the above address by mail or phone me at (313) 962-3784 to let me know why. Thank you very much for your anticipated cooperation in this matter. If you have any questions about anything I have raised in this letter, or any problems arise, please do not hesitate to call.

Sincerely,

STARK AND GORDON

A handwritten signature in dark ink, appearing to read 'BBS' with a stylized flourish at the end.

Brian B. Smith

BBS:mkc  
cc: Leslie A. Bierlein



## DEPOSITION SUBPOENA

JUDGE HART

United States District Court		DISTRICT OF ILLINOIS
BELLE EFROS EVE MARKEWICH		DOCKET NO. <b>85 C 01784</b>
V.		TYPE OF CASE <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL
WILLIAM H. DICKHONER, et al.		SUBPOENA FOR <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> DOCUMENT(S) or OBJECT(S)
TO: NUCLEAR REGULATORY COMMISSION 999 Roosevelt Road Glen Ellyn, Illinois 60137	By: James E. Keppler, Darwin R. Hunter, Robert F. Warnick or Stuart D. Ebnetter	

YOU ARE HEREBY COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above-entitled case.

PLACE SACHNOFF, WEAVER & RUBINSTEIN 30 South Wacker Drive, Suite 2900 Chicago, IL 60606	DATE AND TIME March 18, 1985 10:00 a.m.
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YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):<sup>1</sup>

The documents described in the annexed schedule.

☐ Please see additional information on reverse

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30 (b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.

U.S. MAGISTRATE (2) OR CLERK OF COURT J. STUART COOPER, JR.	DATE
(2) DEPUTY CLERK KAREN LEWELL	

This subpoena is issued upon application of the:

☒ Plaintiff ☐ Defendant ☐ U.S. Attorney

ATTORNEY'S NAME AND ADDRESS  
WOLF HALDENSTEIN ADLER FREEMAN & HERZ  
270 Madison Avenue  
New York, New York 10016

WILLIAM H. DICKHONER

<sup>1</sup> If not applicable, enter "none."

(2) A subpoena shall be issued by a magistrate in a proceeding before him, but need not be under the seal of the court. (Rule 17(e), Federal Rules of Criminal Procedure.)