

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST

2005-0084

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RESPONSE TYPE ☒ FINAL ☐ PARTIAL

REQUESTER

Beth Donovan

DATE

FEB 11 2005

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☒ APPENDICES A Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ APPENDICES B,C Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ 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, NW, Washington, DC.
- ☒ APPENDICES A,B,C Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

PART I.A -- FEES

AMOUNT *

\$

* See comments
for details

- ☒ You will be billed by NRC for the amount listed. ☐ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed. ☐ Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ No agency records subject to the request have been located.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

The actual fees for processing your request are:

3 hrs. professional review @ \$44.27 per hr. = \$132.81
Duplication of 253 pages @ \$0.20 per page = \$50.60
Total = \$183.41

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**RESPONSE TO FREEDOM OF INFORMATION
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PART II.A -- APPLICABLE EXEMPTIONSAPPENDICES
C

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☒ Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ 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).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☐ 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 facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☒ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would 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).
- ☐ (C) Disclosure would constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) 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 person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Samuel J. Collins	Regional Administrator, RI	Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/ ACCESSION NO.</u>
1.	03/31/1994	Matls licensing package for Amend 4 to License 29-20597-01 for St Mary Hosp.Control:119315. (Accession No. ML9405040306) (15 pages)
2.	10/18/1990	Matls licensing package for amend 3 to license 29-20597-01 for St Mary's Hosp.Control:116861 (Accession No. 9101030357) (9 pages)
3.	08/26/1993	Ack receipt of 930713 ltr informing NRC of steps taken to correct violations noted in insp rept 30-19962/93-01. (Accession No. 9310040300) (2 pages)
4.	07/13/1993	Responds to NRC 930623 ltr re violations noted in insp rept 30-19962/93-01.Corrective actions:test results have been reviewed & signed by present RSO. (Accession No. 9310040311) (2 pages)
5.	06/23/1993	Discusses Safety Insp 30-19962/93-01 on 930602 & forwards notice of violation (Accession No. 9307300151) (2 pages)
6.	06/23/1993	Notice of violation from insp on 930602.Violation noted: licensee used radioactive Xe-133 gas in nuclear medicine scanning room & did not measure ventilation rates therein from 910627 to 930602. (Accession No. 9307300152) (2 pages)
7.	10/23/1993	Safety insp on 901023 of License 29-20597-01.Insp findings: no violations noted.Steps taken to correct violations noted in previous insps also verified. (Accession No. 9011280353) (1 page)
8.	03/04/1988	Ack receipt of 871218 ltr informing NRC of steps taken to correct violations noted in Insp 30-19962/87-01.Actions will be examined during future insp of licensed program. (Accession No. 8803150100) (1 page)
9.	12/18/1987	Responds to NRC 871214 ltr re violations noted in Insp 30-19962/87-01 on 871006.Corrective actions:radioactive surveys no longer recorded in cpm,as of 871009.Surveys will be recorded in dpm,per NRC. (Accession No. 8803150103) (1 page)

10. 12/14/1987 Discusses Safety Insp 30-19962/87-01 on 871006 & forwards notice of violation. (Accession No. 8712140384) (2 pages)
11. 12/14/1987 Notice of violation from insp on 871006. Violation noted: inadequate surveys made to determine whether work areas & incoming packages of radioactive matl free of contamination. (Accession No. 8712140390) (1 page)
12. 04/08/1987 Ack receipt of 870306 ltr informing NRC of steps taken to correct violations noted in Insp Rept 30-19962/84-01. (Accession No. 8704130399) (1 page)
13. 03/06/1987 Responds to NRC 870306 ltr re violations noted in Insp Rept 30-19962/84-01. Corrective action: notice attached to wall & in full view of all employees in dept. (Accession No. 8704130418) (2 pages)

**APPENDIX B
RECORDS TO BE RELEASED IN THEIR ENTIRETY**

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	06/18/1983	Material License; Licensee: St. Mary's Hospital, License No. 29-20597-01 (3 pages)
2.	12/09/1996	Inventory Record Report for 29-20597-01: Licensee: St. Mary's Hospital (3 pages)
3.	09/09/1994	Ltr from J. Dwyer of USNRC to P. Roy of St. Mary's Hospital, regarding License No. 29-20597-01 (5 pages)
4.	01/17/1992	Ltr from M. Teters and M. Natrella of Saint Mary's Hospital to USNRC, regarding Quality Management Program (5 pages)
5.	01/08/1990	Telephone Conversation Record from J. Joustra of USNRC, regarding St. Mary's Hospital License No. 29-20597-01 amendment (1 page)
6.	12/01/1989	Ltr from B. Peters-Strokes of Saint Mary's Hospital to J. Glenn of USNRC, regarding NRC Material License (1 page)
7.	03/06/1985	Telephone Conversation Record from J. Piccone of USNRC to J. Weber of St. Mary's Hospital, regarding response to 8/13/84 Inspection Letter (1 page)
8.	05/18/1983	Ltr from P. Jerman of USNRC to M. Fedelise of St. Mary's Hospital, regarding NRC License No. 29-20597-01 (1 page)
9.	05/02/1983	Telephone Conversation Record from P. Jerman of USNRC, regarding St. Mary's Hospital (1 page)
10.	06/21/1993	Nuclear Medicine Inspection Field Notes, Region I; License No. 29-20597-01 (19 pages)
11.	07/10/1992	Conversation Record from J. Joustra of USNRC to B. Peter-Strokes of St. Mary's Hospital, regarding N.M. activities (1 page)
12.	10/30/1990	Inspection Report No. 030-19662/90-001; St Mary's Hospital, License No. 29-20597-01 (17 pages)
13.	11/27/1987	Inspection Report No. 87-001; St Mary's Hospital, License No. 29-20597-01 (10 pages)

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- 14. 08/13/1984 Ltr from T. Martin of USNRC to C. Brennan of St. Mary's Hospital, regarding Inspection No. 030-19962/84-01 (3 pages)**
- 15. 07/27/1984 Inspection report No. 84-01; St Mary's Hospital, License No. 29-20597-01 (10 pages)**

APPENDIX C
RECORDS TO BE WITHHELD IN PART

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT) (EXEMPTION)</u>
1.	09/20/1992	Matls licensing package for amend 3 to license 29-20597-01 for St Mary's (39 pages) (Exemption 2 and 6)
2.	02/27/1989	Matls licensing package for amend 1 to license 29-20597-01 for St Mary's Hosp.Control:116861 (48 pages) (Exemption 6)
3.	05/03/1983	Ltr from M. Fidelise of St. Mary's Hospital to P. Jerman of USNRC, regarding application for Material License (38 pages) (Exemption 6)
4.	05/04/1983	Ltr from D. Marsden of American College of Radiology to P. Jerman of USNRC, regarding radioactive material license (1 page) (Exemption 6)
5.	05/30/1986	Ltr from W. Miller of St. Mary's Hospital to USNRC, regarding misadministration of radioactive isotope (2 pages) (Exemption 6)
6.	06/04/1992	Ltr from M. Teters and M. Natrella of St. Mary's Hospital to B. Ullrich of USNRC, regarding St. Mary's Ambulatory Care Hospital, Byproduct Material License No. 29-20597-01 (3 pages) (Exemption 6)