

August 9, 2006

Mr. Paul S. Schmidt, Manager
Radiation Protection Section
Bureau of Environmental Health
Department of Health and
Family Services
P. O. Box 2659
Madison, WI 53701-2659

Dear Mr. Schmidt:

I am responding to your July 12, 2006 letter, regarding a Freedom of Information Act (FOIA) request (FOIA/PA 2005-0085) and the Protective Agreement signed with the U. S. Nuclear Regulatory Commission (NRC) before Wisconsin became an Agreement State.

First, staff carefully considered the FOIA request because the expectation of device manufacturers is that their proprietary information would be withheld from the public. After some period of deliberation, it was decided that a redacted version of the General License (GL) database would be provided to the Wisconsin service provider. That version of the GL database did not include specific device make and model numbers nor radionuclide types and quantities. These measures were employed to preserve the proprietary nature of the information and in consideration of security concerns.

Second, the purpose of the 2001 FOIA Protective Agreement was to ensure the protection of proprietary information on NRC licensees in the State of Wisconsin. In 2003, the NRC relinquished and the State of Wisconsin assumed regulatory authority over byproduct material, source material and certain quantities of special nuclear material. The 2001 Protective Agreement was therefore superceded by the Wisconsin Agreement which became effective on August 8, 2003.

Please let me know, if you have any further questions on this issue.

Sincerely,

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

P. S. Schmidt

August 9, 2006

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