Jim Doyle
Governor

Helene Nelson
Secretary

State of Wisconsin

Department of Health and Family Services

July 12, 2006

Janet Schlueter, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
11555 Rockville Pike   OWFN-3C10
Rockville, MD 20852

Dear Ms. Schlueter:

I request NRC assistance with resolving two questions related to general license device databases, as follows.

1. We were recently informed that a Wisconsin service provider licensee submitted a FOIA request to the NRC for information from your agency's general license device database that was subsequently granted (FOIA/PA 2005-0085). We anticipate a similar request from the same licensee to us.

Question 1: What guidelines did NRC use to approve the referenced FOIA request for GL database information (i.e., what information was provided and why)?

2. In 2001, the WI Dept. of Health and Family Services requested a copy of the Wisconsin portion of NRC's general license (GL) device database. This information was needed to populate a GL database being developed for Wisconsin's agreement state program. The NRC required the DHFS to sign a protective agreement that stipulated that we could not provide GL database information to outside entities. In other words, GL database info was considered proprietary and must be "withheld from public disclosure". We have honored that agreement. NRC action in response to the FOIA request referenced above causes us to question the relevancy of the 2001 protective agreement.

Question 2: Does the 2001 protective agreement remain in effect now that Wisconsin is an agreement state?

Thank you for your attention to this request. Please contact me with any questions at 608 267-4792 or schmips@dhfs.state.wi.us .

Sincerely,

Paul Schmidt

Paul Schmidt, Chief
Radiation Protection Section

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