



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

2006-0238

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RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Michelle Driscoll

DATE

JAN 30 2007

#### 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 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 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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES 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 \*

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- 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.

\* See comments for details

#### 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 incoming request is in ADAMS at accession number ML061840443.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Russell A. Nichols*  
Russell A. Nichols

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

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**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
**KK**

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 253b, 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 2.390(d)(1).
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(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)  
EX. 2: Disclosure would risk circumvention of a legal requirement.

**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, Region IV	Appendix KK	<input checked="" 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 KK  
RECORDS BEING WITHHELD IN PART**

**License No. 08-01738-02**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	06/03/1985	Amend 53 to License 08-01738-02 for Walter Reed Army Medical Ctr, adding 800-mCi I-125 sealed source for use in bone mineral analyzer & increasing possession limit for depleted U. (2 pages) / Exemption 2
2.	09/06/1985	Amend 54 to License 08-01738-02 for Walter Reed Army Medical Ctr, changing Items 6,7,8 & 9 re authorized radioisotopes & use. (2 pages) / Exemption 2
3.	05/08/1987	Forwards application for renewal of License 08-01738-02. (4 pages) / Exemption 2
4.	05/08/1987	Application for renewal of License 08-01738-02,authorizing use of 1000 mCi S-35 in medical R&D. Supporting documentation encl. (251 pages total, 245 released) / Exemption 2 and 6
5.	03/16/1988	Responds to 880219 ltr re renewal of License 08-01738-02. Procedure does include requirements as specified in 10CFR35.51 for survey meter calibr. (14 pages) / Exemption 2
6.	04/18/1988	Amend 55 to License 08-01738-02 for Dept of Army, Walter Reed Army Medical Ctr, amending license in entirety. (4 pages) / Exemption 2
7.	05/31/1988	Corrected Amend 55 to License 08-01738-02.(4 pages) / Exemption 2
8.	08/05/1988	Application for amend to License 08-01738-02,authorizing addl location for use of radioactive matl. (8 pages total, 7 released) / Exemption 2
9.	10/07/1988	Amend 56 to License 08-01738-02 for Dept of Army, amending license in entirety. (4 pages) / Exemption 2
10.	01/19/1990	Matls licensing package for Amend 57 to License 08-01738-02 for Walter Reed Army Medical Ctr.Control:111200. (44 pages) / Exemption 2 and 6
11.	04/13/1990	Matls licensing package for Amend 58 to License 08-01738-02 for Dept of Army, Walter Reed Army Medical Ctr. Control: 112003. (20 pages total, 19 released) / Exemption 2
12.	04/30/1991	Matls licensing package for amend 59 to license 08-01738-02 for Dept of Army.Control:112925. (44 pages) / Exemption 2 and 6
13.	12/06/1991	Matls licensing package for amend 60 to license 08-01738-02 for

- Dept of Army.Control:114973. (Accession No. 9202060159) (41 pages) / Exemption 2 and 6
14. 04/06/1992 Rev 3 to "Procedures for Ordering, Receiving & Safely Opening Packages Containing Radioactive Matl." ((4 pages) / Exemption 2
  15. 09/09/1992 Matls licensing package for amend 61 to license 08-01738-02 for Dept of Army.Control:116711. (15 pages) / Exemption 2
  16. 04/15/1993 Matls licensing package for amend 62 to license 08-01738-02 for Dept of Army.Control:116472. (27pages) / Exemption 2
  17. 06/22/1993 Matls licensing package for amend 63 to license 08-01738-02 for Dept of Army.Control:117924. (18 pages total, 14 released) / Exemption 2
  18. 08/23/1993 Matls licensing package for amend 64 to license 08-01738-02 for Dept of Army.Control:118276. (461 pages) / Exemption 2
  19. 04/15/1994 Matls licensing package for amend 65 to license 08-01738-02 for Dept of Army Walter Reed Army Medical Ctr. Control: 119389. (13 pages) / Exemption 2 and 6
  20. 06/14/1994 Matls licensing package for amend 66 to license 08-01738-02 for DOA Walter Reed Army Medical Center.Control:117725. (95 pages total, 91 released) / Exemption 2 and 6
  21. 10/13/1994 Matls licensing package for corrected amend 66 to license 08-01738-02 for Dept of Army.Control:117725. ((11 pages) / Exemption 2
  22. 11/21/1994 Ack receipt of 941101 ltr in response to NRC ltr re deficiencies in quality mgt program. Mods to program required within 30 days per 10CFR35.32(e). ((121 pages) / Exemption 2
  23. 06/08/1995 Matls licensing package for amend 67 to license 08-01738-02 for Dept of Army Walter Reed Medical Ctr.Control:121438. (15 pages) / Exemption 2 and 6
  24. 05/28/1996 Matls licensing package for amend 68 to license 08-01738-02 for Dept of Army.Control:122993. (17 pages) / Exemption 2 and 6
  25. 03/26/1997 Matls licensing package for amend 69 to license 08-01738-02 for Dept of Army. (6 pages) / Exemption 2
  26. 04/24/1998 Matls licensing package for amend 70 to license 08-01738-02 for Dept of Army, Walter Reed Army Medical Center. Control:125557. (117 pages) / Exemption 2
  27. 06/09/1998 Matls licensing package for amend 71 to license 08-01738-02 for Dept of Army,Walter Reed Army Medical Ctr. Control:125704. (29 pages) / Exemption 2 and 6