



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

2007-0164

1

RESPONSE
TYPE



FINAL



PARTIAL

REQUESTER

Maryann Wegh

DATE

MAY - 1 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.
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|------------------------|
| 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.
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| APPENDICES
B |
|------------------------|

 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.
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| APPENDICES
B |
|------------------------|

 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 *

\$ 205.66

* 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 the request are \$76.59 for the search; \$205.96 for the review; \$10.20 for the duplication; total, \$292.75. Since you paid fees in the amount of \$498.41, you will receive a refund in the amount of \$205.66 .

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2007-0164

MAY - 1 2007

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
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 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)

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 1	Appendix C	✓		

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>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/28/1985	8512240365	License 37-00147-03 for PS Friedman, Radiology Assoc, authorizing use of Group II matl, I-131 & P-32 for diagnostic procedure & treatment of hyperthyroidism, cardiac dysfunction, leukemia & bone metastases. (3 pages)
2.	10/28/1985	8512240367	Forwards License 37-00147-03. Records of 850924 & 1010 telcons re license application encl. (4 pages)
3.	12/14/1987	8712150157	Discusses Safety Insp 30-28887/87-01 on 870925. No violations noted. Svcs provided by consultant have had positive impact on radiation safety program per results of insp conducted on 870925. (2 pages)
4.	10/31/1990	9011140246	Discusses 901016 telephone inquiry between Friedman & W Thomas re termination of License 37-00147-03. NRC understands license will be terminated. (2 pages)
5.	12/11/1990	9103110119	Matls licensing package for Amend 1 to License 37-00147-03 for PS Friedman. Control: 113608. (9 pages)
6.	10/23/1978	8502220051	Application for renewal of License 37-00147-02. (1 page)
7.	11/22/1978	8502220060	Ack receipt of application for renewal of License 37-00147-02. (1 page)
8.	08/21/1979	7909170564	Ack receipt of 781023 application for renewal of Matl License 37-00147-02. Requests complete application per Reg Guide 10.8. (1 page)
9.	02/26/1980	8003210503	Ack receipt of 800204 ltr re corrective actions taken to strengthen radiation

- safety program. In order to renew license, new application must be submitted. (1 page)
10. 06/04/1980 8007160111 Notifies that if NRC 800226 request for addl info is not answered within 30 days, application for amend/renewal may be denied & License 37-00147-02 terminated. (1 page)
11. 08/11/1980 8009040091 Forwards application for renewal of Matl/Byproduct License 37-00147-02. Hahnemann Medical Ctr & Hosp of Philadelphia 800728 ltr confirming staff appointment encl. (2 pages)
12. 08/11/1980 8009040098 Application for renewal of Matl/Byproduct License 37-00147-02 authorizing PS Friedman to use byproduct matl in Group II, I-131 & P-32 for medical use. (21 pages)
13. 08/11/1980 8512240377 Forwards application for renewal of License 37-00147-02. (1 page)
14. 09/04/1980 8010070111 Matl/Byproduct License 37-00147-02 for PS Friedman is amended in its entirety per 781023 ltr. Amend 12 authorizes use of Group II matl, I-131 & P-32 for diagnostic procedures & treatment of hyperthyroidism. (2 pages)
15. 09/16/1981 8110060340 Discusses IE insp of License 37-00147-02 on 810721 & forwards notice of violation. (2 pages)
16. 09/16/1981 8110060345 Notice of violation from insp on 810721. Noncompliance noted: failure to calibr G-M survey meter annually, to check dose calibrator for constancy prior to use for measuring patient doses & to perform quarterly linearity test. (2 pages)
17. 09/11/1984 8502220042 Responds to FOIA request for P Friedman application for License 37-00147-02. Forwards App A documents. (2 pages)

Re: FOIA/PA-2007-0164

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| 18. | 08/30/1985 | 8512240373 | Application for renewal of License 37-00147-02,authorizing PS Friedman as user of byproduct matl.Supporting documentation encl.Fee paid. (8 pages) |
| 19. | 09/16/1985 | 8512240369 | Requests addl fee for review of 850830 application for renewal of License 37-00147-02.Fee required prior to issuance of license. (1 page) |
| 20. | 11/20/1985 | 8511260416 | Discusses Safety Insp 30-02940/85-01 on 850913 & 27 & forwards notice of violation.Steps taken to correct violations noted in 810916 ltr verified.Response to Items C1,C2,C3 & C4 identified during 810721 insp requested. (2 pages) |
| 21. | 11/20/1985 | 8511260422 | Notice of violation from insp on 850913 & 27.Violation noted:individual working in restricted area had not been instructed in applicable provisions of regulations & license conditions. (2 pages) |
| 22. | 12/09/1985 | 8602070277 | Responds to violations of NRC requirements & conditions of License 37-00147-02.Corrective action:leak testing of sources stored in lead brick area performed & dose calibrator check & wipe test performed daily. (2 pages) |
| 23. | 02/02/1986 | 8602070157 | Ack receipt of 851209 ltr informing NRC of steps taken to correct violations noted in Insp 30-02940/85-01.Amend to license must be requested to use other NRC approved calibr svcs to calibr survey meter. (1 page) |

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	07/16/1979	Inspection Report No. 79-01, License No. 37-00147-02 (10 pages)
2.	08/23/1979	Discusses IE insp of License 37-001147-02 on 790703 & forwards notice of violation. (2 pages)
3.	08/23/1979	Notice of violation from insp on 790703. Noncompliance noted: failure to provide adequate personnel protection equipment & failure to provide dose calibr. (1 page)
4.	09/19/1979	Responds to NRC 790823 ltr re violations noted in IE insp of License 37-00147-02 on 790703. Corrective actions: personnel protection equipment being obtained & used, survey meter has been calibr & radioactive areas now being segregated. (2 pages)
5.	10/12/1979	Ack receipt of 790919 ltr informing NRC of steps taken to correct violations noted in IE insp of License 37-00147-02 on 790703 & scheduling meeting. Addl info required. (1 page)
6.	11/06/1979	Responds to NRC 791012 ltr re violations noted in IE insp of License 37-00147-02 on 790703. Corrective actions: dose calibr being obtained, licensed matls now confined to office, personnel protective equipment being used. (1 page)
7.	11/21/1979	Ack receipt of 791106 ltr informing NRC of steps taken to correct violations noted in IE insp of License 37-00147-02 on 790703. (1 page)
8.	07/27/1981	Inspection Report No. 81-01, License No. 37-00147-02 (11 pages)
9.	09/27/1985	Inspection Report No. 85-01, License No. 37-00147-02 (10 pages)
10.	10/28/1985	Memorandum for M. Moriarty of USNRC, regarding License No. 37-00147-02 (1 page)
11.	11/20/1987	Inspection Report No. 87-01, License No. 37-00147-03 (10 pages)
12.	09/26/1990	Conversation Record between USNRC and T. Cirillo, regarding License No. 37-00147-03 (1 page)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/04/1985	Ltr from P. Friedman Radiology Associates to T. Darden regarding quarterly evaluation (5 pages) / Exemption 6