

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

2008-0255

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RESPONSE
TYPE

FINAL



PARTIAL

DATE

JUL 15 2008

REQUESTER

Matthew Irvine

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
A & 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.
- ☒ APPENDICES
A & 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 *

\$ 430.92



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 actual fees are \$66.92 for the search, \$269.00 for the review, \$95.00 for the duplication; total, \$430.92. We have already received your payment in this amount.

The incoming request is in ADAMS at Accession Number ML081700104.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna Sealing, Acting

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

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

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.
- ☐ Low 2 Internal matters of a relatively trivial nature.
- ☐ High 2 Disclosure would risk circumvention of a legal requirement.
- ☐ 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).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ 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
James L. Caldwell	Regional Administrator, Region III	Appendix B	✓		

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	05/29/1969	Application, Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
2.	08/06/1969	Amendment No. 1 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 2 pages
3.	08/15/1969	Amendment No. 2 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
4.	07/02/1971	Amendment No. 3 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 2 pages
5.	12/03/1971	Amendment No. 4 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
6.	09/19/1972	Amendment No. 5 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
7.	05/07/1973	Amendment No. 6 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
8.	08/02/1973	Amendment No. 7 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
9.	10/24/1973	Amendment No. 8 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
10.	12/17/1973	Amendment No. 9 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
11.	01/22/1974	Amendment No. 10 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
12.	02/05/1974	Amendment No. 11 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
13.	03/14/1974	Amendment No. 12 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
14.	06/12/1974	Amendment No. 13 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page

15. 06/28/1974 Amendment No. 14 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
16. 07/17/1974 Amendment No. 15 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
17. 09/06/1974 Amendment No. 16 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
18. 04/03/1975 Amendment No. 17 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 3 pages
19. 05/21/1975 Amendment No. 18 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
20. 10/09/1975 Amendment No. 19 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
21. 01/22/1976 Amendment No. 20 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
22. 11/16/1976 Inspection Findings and Licensee Acknowledgment, AEC Form 591. 15 pages
23. 04/04/1978 Amendment No. 21 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
24. 06/19/1978 Letter from J. Keppler, NRC, to Woodland Medical Group, 1 page
25. 01/12/1979 Letter from J. Keppler, NRC, to Woodland Medical Group, 1 page
26. 03/12/1979 Order amending medical licenses, from W. Dircks, NRC, 4 pages
27. 05/30/1979 Matl/Byproduct License 21-13255-01 for Woodland Medical Group, Detroit, MI is amended in its entirety per 790425 application. Amend 22 authorizes use of byproduct matls for diagnostic & therapeutic procedures & blood flow studies. 3 pages
28. 09/24/1980 Inspection Report and Notice of Violation, License No. 21-13255-01, 20 pages
29. 09/28/1979 Letter to Woodland Medical Group from W. Dircks, NRC with ALARA guidance. 4 pages
30. 10/13/1980 Letter to A. Davis, NRC, from B. Samuels, Woodland Medical Group. 1 page
31. 10/14/1980 Letter to J. Cooper, NRC from B. Samuels, Woodland Medical Group requesting amendment. 17 pages

32. 10/28/1980 Letter of acknowledgment to Woodland Medical Group from NRC. 1 page
33. 11/03/1980 Letter to J. Cooper, NRC from B. Samuel, Woodland Medical Group, requested information. 7 pages
34. 12/11/1980 Amendment No. 23 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 2 pages
35. 06/19/1981 Order modifying licenses signed by J. Davis, NRC. 1 page
36. 06/28/1981 Amendment request for License No. 21-13255-01. 11 pages
37. 09/23/1981 Letter to P. Winston, M.D., Woodland Medical Group from B.J. Holt, NRC, requesting additional information. 1 page
38. 12/10/1981 Letter to P. Winston, MD., Woodland Medical Group from B. Mallett, NRC, request for additional information. 1 page
39. 08/04/1982 Telephone conversation record. 1 page
40. 09/07/1982 Letter to P. Winston, M.D., Woodland Medical Group from B. Mallett, NRC, confirming telephone conversation. 1 page
41. 09/24/1982 Letter to NRC from J. Daitch, M.D., Woodland Medical Group with enclosed NRC Form 313, "Training and Experience, Authorized User or Radiation Safety Officer." 4 pages
42. 10/14/1982 Telephone Conversation Record. 1 page
43. 10/15/1982 Letter to M. McCann, NRC, from H. Daitch, Woodland Medical Group, naming Radiation Safety Officer. 1 page
44. 11/10/1982 Amendment No. 24 to Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use. 1 page
45. 09/28/1983 Medical Inspection Report No. 81-01. 16 pages
46. 09/28/1983 Appendix with Notice of Violation to Report No. 81-01. 7 pages
47. 10/18/1983 Response to Inspection Report 81-01 from H. Daitch, Woodland Medical Group. 1 page
48. 11/01/1983 Letter to H. Daitch, Woodland Medical Group acknowledging their response. 1 page
49. 01/26/1985 Application for renewal of License 21-13255-01.Fee paid. 35 pages
50. 02/22/1985 Ack receipt of application for renewal of License 21-13255-01.License will not expire until final NRC action taken. 1 page

51. 04/23/1985 Amend 25 to License 21-13255-01 for Woodland Medical Group, amending license in entirety. 3 pages
52. 04/23/1985 Letter forwarding Amend 25, renewing License 21-13255-01. 2 pages~
53. 07/10/1986 Insp Findings & Licensee Ack on 860710 of License 21-13255-01. Insp findings: dose calibrator linearity tests not performed at proper frequencies. Steps taken to correct violations noted during last insp verified. 11 pages
54. 08/18/1988 Certificate of Instrument Calibration, Woodland Medical Center. 1 pages
55. 08/28/1989 Dose Calibrator Linearity. 2 pages
56. 09/05/1989 Discusses safety insp of License 21-13255-01 on 890825 & forwards notice of violation. Item 2 constitutes repeat violation & response should include steps taken to prevent future similar violations. 1 page
57. 09/05/1989 Notice of violation from insp on 890825. Violation noted: Eberline-520 survey instrument, used at Detroit location, not calibr annually & dose calibrator not checked for linearity quarterly during Fourth Quarter 1988. 2 pages
58. 09/05/1989 Nuclear Medical Inspection Field Notes for Inspection Report No. 89-001, License No. 21-13255-01. 14 pages
59. 10/02/1989 Responds to NRC 890905 ltr re violations noted in insp of License 21-13255-01. Corrective actions: Survey Meter E-520 calibr on 890909 & calibr due dates for survey instruments posted on wall near meters. 2 pages
60. 03/15/1990 Application for License Renewal, License No. 21-13255-01 for Woodland Medical Group, Control No. 89025. 26 pages
61. 04/18/1990 License Renewal Acknowledgment Letter to Woodland Medical Group 1 page
62. 05/03/1990 Letter to H. Daitch, M.D., Woodland Medical Group from R. Gattone, NRC requesting additional information. 1 page
63. 06/06/1990 Telephone Conversation Record. 1 page
64. 06/26/1990 Matls licensing package for Amend 26 to License 21-13255-01 for Woodland Medical Group. Control: 389025. 15 pages
65. 01/02/1991 Forwards Quality Mgt Program. 1 page
66. 01/02/1992 Quality Mgt Program. 12 pages
67. 10/26/1992 Appendix B, Nuclear Medicine Inspection Field Notes, Inspection Report No. 92-001, License No. 21-13255-01. 18 pages

68. 11/04/1992 Notice of violation from insp on 921013. Violation noted: Bicron 2000 survey instrument used to show compliance w/ 10CFR35 had not been calibr from 901108-920326. 2 pages
69. 11/05/1992 Letter to Woodland Medical Group discusses safety insp of License 21-13255-01 on 921013 & forwards notice of violation. Actions taken to correct violations noted during 890825 insp examined. 2 pages
70. 11/30/1992 Responds to NRC 921105 ltr re violations noted during insp of license 21-13255-01. Corrective actions: Medical Physics Consultants will maintain flagging sys as back-up check to insure scheduled insps occur per NRC requirements. 2 pages
71. 06/17/1994 Advises that licensee written quality mgt program not consistent w/objectives in 10CFR35.32. Requests that licensee modify written quality mgt program to address listed items. Mods should be provided within 30 days per 10CFR35.32(e). 5 pages
72. 07/15/1994 Correspondence-letter, dkt 30 mtl byproduct, incoming correspondence. forwards Quality Mgt Program. 1 page
73. 07/31/1994 Revised "Radiopharm Quality Mgt Program." 5 pages
74. 08/12/1994 Ack receipt of 940715 ltr which addressed deficiencies in quality mgt program. Licensee has flexibility to make changes to quality mgt program w/o obtaining prior NRC approval. Mods must be provided within 30 days per 10CFR35.32(e). 1 page
75. 01/25/1995 Safety insp on 950125 of license 21-13255-01. Insp findings: no violations observed & inspector verified steps taken to correct violations identified during last insp. 1 page
76. 07/06/1995 Letter from Woodland Medical Group and Application for License Renewal, License No. 21-13255-01. 2 pages
77. 07/26/1995 Letter to H. Daitch, Woodland Medical Group from M. Meenan, NRC acknowledging receipt of License Renewal Application. 1 page
78. 02/16/1996 Appendix B, Nuclear Medicine Inspection Field Notes, Inspection Report No. 96-001. 25 pages
79. 02/20/1996 Outgoing correspondence from T. Kozak, NRC. Forwards EPA Referral Form on air emissions from licensee recently inspected by NRC Region III staff IAW 1992 MOU between NRC & EPA. 2 pages
80. 02/28/1996 Fax to T. Go, NRC from Medical Physics Consultants re: NRC License No. 21-13255-01. 8 pages
81. 05/06/1996 Letter to H. Daitch, Woodland Medical Group, from D. Cool, NRC, RE: One-Time Extension of License Expiration Date. 1 page

82. 05/13/1996 Voided matls licensing action for license 21-13255-01 for Woodland Medical Group.Control:398913. 3 pages
83. 03/10/1999 Safety & compliance inspection on 3/10/99 on license 21-13255-01. Insp findings: no violations identified. 1 page
84. 03/18/1999 Appendix A, Nuclear Medical Inspection Record for Inspection Record No. 99-001. 9 pages
85. 08/21/2000 306824 Deemed Timely Letter for Amendment No. 27 to Woodland Medical Group 21-13255-01. 1 page
86. 09/19/2000 306824 Checklist for Amendment No 27 to DMC Physicians Group License No. 21-13255-01. 4 pages
87. 09/22/2000 306824 Amendment No. 27 to DMC Physicians Group 21-13255-01. 4 pages
88. 06/06/2002 DMC Physicians Group license application dated 06/06/02, remove Harold Daitch as RSO & authorized user & change to Seymour Mirkes, M.D., & change name to DMC Health Care Centers (includes cover letter). 2 pages
89. 09/10/2002 Certification according to Reg Guide 10.8, Rev. 2 for DMC Health Corp Center for License 21-13255-01. 1 page
90. 09/12/2002 Amendment No. 28 to NRC Material License No. 21-13255-01, DMC Health Care Centers. 3 pages
91. 12/23/2002 DMC Health Care Ctrs license application dated 12/23/2002, add & delete additional authorized users (includes cover letter from C. Zolnoski). 4 pages
92. 01/21/2003 Amendment Request for License No. 21-13255-01, DMC Health Care Centers, Notification to add authorized user & delete user. 3 pages
93. 03/10/2003 Checklist & Categorical Exclusion Review Sheet for Amendment 29 to License 21-13255-01, DMC Health Care Centers. 4 pages
94. 03/11/2003 Letter, License-Materials Byproduct Amendment DKT 30. Amendment No. 29 to License No. 21-13255-01, DMC, Health Care Ctrs. 6 pages
95. 03/25/2003 Amendment Request to terminate license No. 21-13255-01, DMC Health Care Centers from C. Zolnoski, Detroit Medical Ctr. 2 pages
96. 04/01/2003 Amendment No. 30 Terminating License No. 21-13255-01, DMC Health Care Centers. 2 pages
97. 04/01/2003 Licensing Action for DMC Health Care Centers, License No. 21-13255-01. 2 pages

- 98. 04/23/2003 Amendment No. 30 for License No. 21-13255-01, DMC Health Care Centers. 4 pages
- 99. 04/23/2003 Certification of Licensing Action for Amendment No. 30 for DMC Health Care Centers License No. 21-13255-01. 3 pages

APPENDIX B
RECORD BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	07/17/1972	Inspection Findings and Licensee acknowledgment, AEC Form 591 (8 pages) Ex. 6
2.	04/25/1979	Application for renewal of Matl/Byproduct License 21-13255-01 authorizing use of radioactive matl for medical use (18 pages) Ex. 6
3.	06/08/1990	Letter to R. Gattone, NRC, from H. Daitch, Woodland Medical Group, re: Additional Information for License No. 21-13255-01 (4 pages) Ex. 6
4.	08/01/2000	License Application for Renewal, 306824 Woodland Medical Group 21-13255-01 renewal (35 pages) Ex. 6