

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**

2019-000142

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Mr. John Witkowski

DATE:

02/27/2019

DESCRIPTION OF REQUESTED RECORDS:

Number and location of all AU medical physicists across the country, along with a list of the number and type of procedures they performed and the location at all hospitals, clinics and other locations across the U.S. from 2013 until the most recent data; number and name of all medical facilities that were approved for a 35.300 license.

PART I. -- INFORMATION RELEASED

- ☐ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- ☒ 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Part I.D -- Comments.

PART I.A -- FEES

AMOUNT

- ☐ You will be billed by NRC for the amount indicated.
- ☐ You will receive a refund for the amount indicated.
- ☐ Fees waived.
- ☐ Since the minimum fee threshold was not met, you will not be charged fees.
- ☐ Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☐ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☐ You may appeal this final determination within 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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PART I.D -- COMMENTS

Subsequent to your submission of this request, you agreed to narrow the scope of responsive records. Your request now states as follows:

- 1) Excel file of current, active 35.300 authorized users (AUs) associated with NRC licensees. The Excel file would include the address of the NRC licensee that lists the AU on their license. This file would identify both fully-authorized and limited 35.300 AUs.
 - a. Note: Per 10 CFR Part 35, AUs are defined as physicians, dentists, and podiatrists. NRC staff can also do a search for a current list of active authorized medical physicists, authorized nuclear pharmacists, and authorized ophthalmic physicists if UPPI is interested.
 - b. NRC can generate a list of active AU veterinarians.
- 2) Excel file of current NRC licensees (name and location) that have at least one fully-authorized 35.300 AU (this addresses where patients can access all 35.300 therapies).
- 3) Excel file of current NRC licensees (name and location) that are certified to use 35.300 materials (this would include facilities that only offer sodium iodide I-131 oral administration treatments, i.e., not all 35.300 therapies).
- 4) Excel file of NRC-licensed facilities that are currently licensed to use 35.400 (brachytherapy) and 35.600 (gamma knife) materials.
- 5) To address UPPI's interest in the trend in the number of 35.300 AUs since 2013, the NRC contacted the Web-Based Licensing (WBL) system contractor. The contractor estimates that 5 hours will be needed to generate an Excel file that will list every single NRC licensee amendment that involves the addition or removal of a 35.300 AU since 2013. The Excel file would indicate the number of 35.300 AUs on the license (effective as of the date of the respective amendment). (UPPI could sort the Excel file by year to calculate the total numbers of AUs each year from 2013 through present.)

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney

Date: 2019.02.27 08:27:15 -05'00'