

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

2004-0268

1

RESPONSE
TYPE ☒ FINAL ☐ PARTIAL

REQUESTER

Beth Donovan

DATE

JUL 22 2004

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**
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.
- ☒ **APPENDICES**
B, C, D 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, 2120 L Street, NW, Washington, DC.
- ☒ **APPENDICES**
B, C, D 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 *

\$ 159.11

* 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)**Breakdown of Processing Fees:**

\$ 88.54 [2 Hrs. Professional Search @ \$44.27/Hr.]
55.37 [1 Hr. 15 mins. Professional Review @ \$44.27/Hr.]
15.20 [76 pages @ \$0.20/page]
\$159.11 Total

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

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PART II.A – APPLICABLE EXEMPTIONS

APPENDICES D

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 253(b), 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 2.790(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(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
Hubert J. Miller	Regional Administrator, USNRC, Region 1	D: 1-2	✓		

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 AVAILABLE IN THE PDR**

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/ ACCESSION NO.</u>
1.	01/04/2002	Ltr from M. Beardsley of USNRC to M. Droege of Bon Secours & Canterbury Partnership for Care, regarding Issuance of License Amendment, Control No. 130698 (5 pages) (Accession No. ML020070309)
2.	11/29/2001	Ltr from M. Droege of Bon Secours & Canterbury Partnership for Care to USNRC, regarding Material License No. 29-01024-01 (4 pages) (Accession No. ML013440190)
3.	10/31/2001	Ltr from T. Weinder of USNRC to M. Droege of Bon Secours & Canterbury Partnership for Care, regarding Issuance of License Amendment, Control No. 130424 (6 pages) (Accession No. ML013100505)
4.	10/24/2001	Ltr from M. Beardsley of USNRC to D. Johnston of Bon Secours & Canterbury Partnership for Care, regarding Issuance of License Amendment, Control No. 130259 (6 pages) (Accession No. ML012970443)
5.	07/03/2001	Ltr from M. Beardsley of USNRC to J. Quigley of Bon Secours & Canterbury Partnership for Care, regarding Issuance of License Amendment, Control No. 129565 (6 pages) (Accession No. ML011940353)
6.	09/22/2000	Ltr from T. Weidner of USNRC to D. Johnson of Bon Secours of New Jersey Health System, Inc. regarding Issuance of License Amendment, Control No. 128612 (6 pages) (Accession No. ML003754748)
7.	02/23/2000	Ltr from T. Weidner of USNRC to M. Droege of Bon Secours of New Jersey Health System, Inc. regarding License No. 29-01024-01 amendment (6 pages) (Accession No. ML003685738)
8.	10/23/1997	Materials License Supplementary Sheet, License No. 29-12855-01, Amendment No. 24 (24 pages) (Accession No. 9711060072)
9.	11/15/1995	Material License 29-12855-01, Amendment No. 23 (30 pages) (Accession No. 9512110083)
10.	03/23/1995	Material License 29-12855-01, Amendment No. 22 (16 pages) (Accession No. 9505080255)
11.	09/13/1994	Material License 29-12855-01, Amendment No. 21 (44 pages) (Accession No. 9410200255)

APPENDIX A - continued
RECORDS ALREADY AVAILABLE IN THE PDR

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/ ACCESSION NO.</u>
12.	01/30/1993	Material License 29-12855-01, Amendment No. 20 (16 pages) (Accession No. 9303010302)
13.	06/15/1990	Material License 29-12855-01, Amendment No. 19 (19 pages) (Accession No. 9011060344)
14.	04/19/1989	Material License 29-12855-01, Amendment No. 18 (8 pages) (Accession No. 9003120082)
15.	05/12/1986	Material License 29-12855-01, Amendment No. 17 (3 pages) (Accession No. 8606090435)
16.	01/03/1985	Material License 29-12855-01, Amendment No. 16 (3 pages) (Accession No. 8501220136)
17.	11/09/1984	Material License 29-12855-01, Amendment No. 15 (3 pages) (Accession No. 8412030473)
18.	10/23/1997	Material License 29-01024-01, Amendment No 25 (28 pages) (Accession No. 9711060066)

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

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	07/03/1968	Material License 29-12855-01 (2 pages)
2.	09/17/1968	Material License 29-12855-01, Amendment 1 (1 page)
3.	09/30/1968	Material License 29-12855-01, Amendment 2 (3 pages)
4.	12/16/1968	Material License 29-12855-01, Amendment 3 (1 page)
5.	08/06/1969	Ltr from L. Horowitz of Saint Francis Hospital to J. Bowyer of USAEC, regarding amendment to license 29-012855-01 (3 pages)
6.	08/26/1969	Material License 29-12855-01, Amendment 4 (1 page)
7.	08/03/1970	Ltr from H. Salomon, Radiologist to USAEC, regarding License No. 29-01663-01 and 29-12855-01 (1 page)
8.	08/27/1970	Material License 29-12855-01, Amendment 5 (1 page)
9.	04/26/1971	Ltr from L. Horowitz of St. Francis Community Health Center to USAEC, regarding License No. 29-12855-01 (1 page)
10.	05/13/1971	Material License 29-12855-01, Amendment 6 (1 page)
11.	05/02/1973	Ltr from L. Horowitz of St. Francis Community Health Center to J. Bowyer of USAEC, regarding amendment to License No. 29-12855-01 (1 page)
12.	06/05/1973	Material License 29-12855-01, Amendment 7 (1 page)
13.	06/29/1973	St. Francis Community Health Center, Application for Byproduct Material License (4 pages)
14.	02/04/1974	Material License 29-12855-01, Amendment 8 (1 page)

APPENDIX B - continued
RECORDS TO BE RELEASED IN THEIR ENTIRETY

<u>NO</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION (PAGE COUNT)</u>
15.	03/06/1974		Ltr from L. Horowitz of St. Francis Community Health Center to USAEC, regarding Application for the Use of Technetium 99m-Labeled Osteoscan for Bone Imaging, Amendment to License 29-12855-01 (2 pages)
16.	03/25/1974		Material License 29-12855-01, Amendment 9 (1 page)
17.	08/27/1974		Material License 29-12855-01, Amendment 10 (2 pages)
18.	11/26/1974		Material License 29-12855-01, Amendment 11 (1 page)
19.	11/29/1974		Ltr from L. Horowitz of St. Francis Community Health Center to USAEC, regarding Amendment to License No. 29-12855-01 (1 page)
20.	09/30/1977		Material License 29-12855-01, Amendment 12 (3 pages)
21.	03/30/1979		Materials License 29-12855-01, Amendment 13 (4 pages)
22.	08/27/1981		Materials License 29-12855-01, Amendment 14 (1 page)
23.	04/22/1994		Ltr from A. Holmes of Saint Francis Hospital to P. Henderson of USNRC, regarding Materials License No. 29-12855-01 amendment (8 pages)
24.	10/05/1995		Ltr from A. Holmes of Franciscan Health System of New Jersey, Inc. to M. Beardsley of USNRC, regarding License 29-12855-01, Control No. 121971 (2 pages)
25.	04/08/1996		Ltr from D. Cool of USNRC to B. Greenspan of St. Francis Hospital, regarding One-Time Extension of License Expiration Date License No. 29-12855-01, Docket No. 3002565 (1 page)
26.	11/25/1996		Ltr from J. Fontanetta of Franciscan Health System of New Jersey, Inc. to USNRC, regarding consolidation of Material Licenses 29-01024-01 and 29-12855-01, Docket No. 030-02429 (5 pages)

APPENDIX B - continued
RECORDS TO BE RELEASED IN THEIR ENTIRETY

<u>NO</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION (PAGE COUNT)</u>
27.	11/25/1996		Ltr from J. Fontanetta of Franciscan Health System of New Jersey, Inc. to USNRC, regarding consolidation of Material Licenses 29-01024-01 and 29-12855-01, Docket No. 030-02565 (5 pages)
28.	02/03/1997		Telephone Conversation Record, regarding License No. 29-12855-01 and 29-01024-01 (1 page)
29.	03/13/1997		Ltr from R. Chaloner of Franciscan Health System of New Jersey, Inc. to T. Weidner of USNRC, regarding Control Numbers 124003/4 (5 pages)
30.	07/09/1997		Ltr from T. Weidner of USNRC to R. Chaloner of Franciscan Health Systmes of New Jersey, Inc., regarding amendment to Material License No. 29-01024-01 (4 pages)
31.	09/08/1997		Ltr from R. Chaloner of Franciscan Health System of New Jersey, Inc. to T. Weidner of USNRC, regarding License No. 29-01024-01, Control No. 124004 (7 pages)
32.	01/04/2002		Telephone Conversation Record, regarding License No. 29-01024-01 (1 page)

APPENDIX C
RECORDS TO BE RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	10/11/2001	ML012900320	Ltr from M. Droege of Bon Secours & Canterbury Partnership for Care to USNRC, regarding Material License No. 29-01024-01 (5 pages)

**APPENDIX D
RECORDS BEING RELEASED IN PART**

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	06/26/1978	St. Francis Community Health Center, Application for Material License - Medical (24 pages) (Exemption 6)
2.	04/10/1984	Ltr from S. Ellerman of Saint Francis Community Health Center to USNRC, regarding Renewal of License No. 29-12855-01 (26 pages) [Note: page 3 of the Radialton Safety Program (ALARA) section of the document missing from our file copy] (Exemption 6)