



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

2010-0039

3

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Maria Webb

DATE

FEB - 4 2010

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 **F** 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 **F** 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 \*  
\$

- 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 ML093140450.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Donna L. Sealing*  
Donna L. Sealing

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
<b>(NO DATES)</b>		
1.	x	Item of Interest re: NJ Agreement Application, 1 page
2.	x	Questions from 1/11/08 ltr from team members re: review of NJ Agreement application, 5 pages
3.	x	Questions from 1/11/08 ltr from team members re: review of NJ Agreement application, 6 pages
4.	x	Draft Naturally-Occurring or Accelerator-Produced Radioactive Material (NARM) Waiver Expiration Impact on NJ Agreement with a Later Effective Date, 3 pages
5.	x	Draft NARM Waiver Expiration Impact on NJ Agreement with a Later Effective Date, 3 pages
6.	x	Draft NARM Waiver Expiration Impact on NJ Agreement with a Later Effective Date, 3 pages
7.	x	Draft paragraph to include in Licensee ltr re: NJ Agreement and NARM Waiver Expiration, 1 page
8.	x	Draft Daily Note re: NJ intent ltr to become an Agreement, 1 page
9.	x	Draft Daily Note re: NJ intent ltr to become an Agreement, 1 page
10.	x	Concurrence to Ltr to Thomas Stohler, US DOL, from Robert Lewis, FSME re: NJ as Agreement State, 2 pages
11.	x	Concurrence to Ltr to The Honorable Thomas Carper, US SEN, from Rebecca Schmidt, NRC re: NJ as Agreement State, 1 page
12.	x	Periodic Notes for Commissioners/Marty Virgilio, NRC, 2 pages
13.	x	Periodic Notes re: NJ Agreement Application, 1 page
14.	x	Periodic Notes for Marty Virgilio, NRC and Charlie Miller, FSME re: NJ Agreement Application, 3 pages
15.	x	Periodic Notes with Comments, 1 page
16.	x	Marty Virgilio's Periodic Update with comments, 1 page

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17. x Periodic Notes for Marty Virgilio, NRC re: NJ Agreement Application, 2 pages
18. x Draft Identical Ltrs to D. Shalhoub, US DOL; E. Nolan, US DOE; N. Sutley, Council on Environmental Quality; D. Schultz, FDA; R. Meyers, US EPA; and L. Morris, Department of Homeland Security from Robert Lewis, NRC re: NJ Agreement request submittal, 7 pages
19. x Draft Identical Ltrs to T. Stohler US DOL; L. Epifani US DOE; J. Connaughton, Council on Environmental Quality; D. Schultz, FDA; E. Craig, US EPA; and J. Howe, Department of Homeland Security from Robert Lewis, NRC re: NJ Agreement request submittal, 7 pages
20. x Editorial Comments on Draft SECY-09-0065, 2 pages
21. x Paragraph of comments to address re: SECY-09-0065, 1 page
22. x Draft Memo to Michael Lesar, NRC from Duncan White, FSME re: publication of proposed NJ Agreement week 1, 2 pages
23. x Draft Memo to Michael Lesar, NRC from Duncan White, FSME re: publication of proposed NJ Agreement week 2, 2 pages
24. x Draft Memo to Michael Lesar, NRC from Duncan White, FSME re: publication of proposed NJ Agreement week 3, 2 pages
25. x Draft Memo to Michael Lesar, NRC from Duncan White, FSME re: publication of proposed NJ Agreement week 4, 2 pages
26. x Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials, 19 pages
27. x Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials, OCM markups, w/handwritten notes, 19 pages
28. x Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials, OCM markups, w/handwritten notes, 19 pages
29. x Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials, OCM markups, 19 pages
30. x Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials, OCM markups with track changes, 19 pages
31. x Final Draft Assessment of the Proposed NJ Program for the Regulation of Agreement Materials per SRM direction, 19 pages

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| 32. | x | Draft processing schedule for NJ Agreement, 1 page   |
| 33. | x | Draft processing schedule for NJ Agreement, 1 page   |
| 34. | x | Draft processing schedule for NJ Agreement, 1 page   |
| 35. | x | Draft of Agreement between NRC and NJ with track changes, 5 pages  |
| 36. | x | Draft of Enclosure 2, Staff Analysis of Public Comments, to SECY-09-0114 requesting approval of proposed Agreement, 14 pages   |
| 37. | x | Draft of Enclosure 3, NRC Staff Assessment of the New Jersey Program, to SECY-09-0114 requesting approval of proposed Agreement, 19 pages  |
| 38. | x | Draft of Enclosure 5, NARM Waiver Expiration and Impact on New Jersey Agreement, to SECY-09-0114 requesting approval of proposed Agreement, 6 pages  |
| 39. | x | Draft of Enclosure 6, Current Milestone Schedule, to SECY-09-0114 requesting approval of proposed Agreement, 2 pages   |
| 40. | x | Draft of Enclosure 7, Draft Letter from Chairman Gregory B. Jaczko to Governor Jon S. Corzine, to SECY-09-0114 requesting approval of proposed Agreement, 2 pages  |
| 41. | x | Draft Identical Ltrs to D. Shalhoub, US DOL; E. Nolan, US DOE; N. Sutley, Council on Environmental Quality; D. Schultz, FDA; G. McCarthy, US EPA; and C. Wiggins, Department of Homeland Security from Robert Lewis, NRC re: Approval of NJ Agreement Request, 7 pages |
| 42. | x | Draft Ltr from Robert Lewis, FSME to All Agreement States and Non Agreement States State Liaison Officers, Approval of NJ Agreement, 3 pages   |
| 43. | x | Draft FSME Newsletter re: Approval of NJ Agreement, 2 pages  |
| 44. | x | Draft Article re: Approval of NJ Agreement, 2 pages  |
| 45. | x | Draft Comment C Response re: NJ Agreement, 2 pages   |
| 46. | x | Draft Daily Note re: September 3, 2009 Notice to NRC re: Shieldalloy Lawsuit, 1 page   |
| 47. | x | Draft Daily Note re: September 3, 2009 Notice to NRC re: Shieldalloy Lawsuit, 1 page   |

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- 48. x Draft Daily Note re: September 14, 2009 Notice to NRC re: Shieldalloy Lawsuit Appeal, 1 page
- 49. x Draft Daily Note re: September 14, 2009 Notice to NRC re: Shieldalloy Lawsuit Appeal, 1 page
- 50. x Chart of Processing schedule for NJ Agreement, 1 page
- 51. x Outline of Schedule and Importance of Timeliness re: NJ Agreement Application, 1 page
- 52. x Outline for briefing, Status Update of NJ Application, 2 pages
- 53. x Draft Outline for briefing to Regional State Agreement Officers (RSAOs), Status Update of NJ Application, 1 page
- 54. x Draft Outline for briefing to RSAOs, Status Update of NJ Application, 1 page
- 55. x Draft Outline for briefing to RSAO's, 2 pages
- 56. x Draft Outline - Status of NJ Agreement Application and Agenda, 4 pages
- 57. x Draft ltr to Paul Baldauf, NJ U.S. Department of Environmental Protection (DEP) re: NARM Waiver, 1 page
- 58. x Draft ltr to Paul Baldauf, NJ DEP re: NARM Waiver, 2 pages
- 59. x Draft ltr from Robert Lewis, FSME to Patricia Gardner, NJDEP, re: response to comments, 2 pages
- 60. x Flowchart of NJ Program Organization, 1 page
- 61. x Draft paragraph with track changes re: NARM waiver expiration, 1 page
- 62. x List of References for Compatibility Designations, 1 page
- 63. x List of definitions of byproduct material, 2 pages
- 64. x Cross reference list of NRC Regulations and NJ Regulations, 1 page
- 65. x Notes on review of staff qualifications and training, 2 pages
- 66. x List of questions from team reviewer re: NJ Agreement Application, 2 pages
- 67. x Chart developed from application of positions, 1 page

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- 68. x Shieldalloy Q and As, w/handwritten notes, 4 pages
- 69. x Outline for discussion for NARM Waiver, 1 page
- 70. x Final submission to OMB, NRC to meet requirements of Congressional Review Act, 1 page
- 71. x Notes from Team Meetings – Issues and Resolution, 2 pages
- 72. x NRC News, No. 09-XXX, NRC completes New Jersey agreement to regulate certain radioactive materials, 2 pages
- 73. x Draft ltr from Dale E. Kline, NRC, to the Honorable Jon Corzine, Governor, State of NJ, re: Assessment of NJ request for Agreement, 2 pages
- 74. x Draft of SECY-09-0065 re: Proposed NJ Agreement, 6 pages
- 75. x Draft of SECY-09-0065 re: Proposed NJ Agreement, 6 pages
- 76. x Draft of SECY-09-0065 re: Proposed NJ Agreement, 6 pages
- 77. x Draft of SECY-09-0065 re: Proposed NJ Agreement, 6 pages
- 78. x Draft *Federal Register* Notice (FRN) re: NJ request for Agreement, 18 pages
- 79. x Draft FRN re: NJ request for Agreement, 18 pages
- 80. x Draft FRN re: NJ request for Agreement, 18 pages
- 81. x Draft FRN re: NJ request for Agreement with track changes, 17 pages
- 82. x Draft FRN re: NJ request for Agreement, 17 pages
- 83. x Draft FRN re: NJ request for Agreement with OCM comments, 18 pages
- 84. x Draft FRN re: NJ request for Agreement with OCM comments, 18 pages
- 85. x Draft of SECY-09-0114 requesting approval of proposed Agreement, 7 pages
- 86. x Draft of SECY-09-0114 requesting approval of proposed Agreement, 8 pages
- 87. x Draft of SECY-09-0114 requesting approval of proposed Agreement with track changes, 7 pages

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- 88. x Draft of SECY-09-0114 requesting approval of proposed Agreement, 8 pages
- 89. x Draft of SECY-09-0114 requesting approval of proposed Agreement, revision 3, 8 pages
- 90. x Draft of SECY-09-0114 requesting approval of proposed Agreement, revision 4, 8 pages
- 91. x Draft FRN re: Approval of NJ Agreement Request, 7 pages
- 92. x Draft FRN re: Approval of NJ Agreement Request, 3 pages
- 93. x Draft Ltr from Robert Lewis, FSME to All Agreement States and Non Agreement States State Liaison Officers providing copy of published agreement, 20 pages
- 94. x Draft ltr from Gregory B Jackzo, NRC to the Honorable Jon Corzine,