

2011-0063

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER
Martin Schrama

DATE
JUN 10 2011

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 D, E 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 D, E 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 can be located in ADAMS at ML11137A136. Records with an ML accession number are available in the NRC's Library at www.nrc.gov/reading-rm/adams.html. For assistance in obtaining any records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by email at pdr.resource@nrc.gov

Document E/23 contains information previously deleted. NRC does not have the original document.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing *Donna L. Sealing*

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

E

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 practices 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).
 - 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 wrong doing or a violation of NRC requirements from investigators).
 - (C) Disclosure could 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
William M. Dean	Regional Administrator, Region I	E	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u>
1.	09/05/2008	E. R. Squibb & Sons, Inc., RAI concerning Application for License Renewal, Control No. 142708 (4 pages)
2.	09/10/2008	IR 03005222-08-003, on 9/10/2008, for E. R. Squibb & Sons, Pennington, NJ, Lawrenceville, NJ, Form 591M, part 1 (1 page)
3.	11/25/2008	E. R. Squibb & Sons, LLC; Cover letter dated November 25, 2008, For License Renewal, License Amendment No. 112 (3 pages)
4.	03/24/2009	E. R. Squibb & Sons, LLC; Cover letter dated March 24, 2009, for License Amendment No. 113, Control No. 143448 (3 pages)
5.	04/08/2009	E. R. Squibb & Sons, LLC, Corrected copy of License, Control No. 143448 (2 pages)
6.	07/01/2010	E. R. Squibb & Sons, LLC, Return of Financial Assurance documents, Control No. 144697 (2 pages)

**APPENDIX E
RECORD BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u>
1.	04/01/1987	Proprietary changes to updated radiological contingency plan (2 pages) Exemption 6
2.	09/16/1988	Informs of 880815 lost shipment of nuclear medicine. Package found on 880914 at Ford truck dealership center. Squibb 6 inch shipper mistakenly packaged by airport personnel into larger shipper. Personal exposure insignificant. (4 pages) Exemption 6
3.	09/24/1988	Materials licensing package for amend 95 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control1:124288. (173 pages) Exemption 6
4.	06/22/1982	Forwards proposed review pages to radiological contingency plan incorporating four categories of accident classification & description of radiation detection sys & alarms continuously monitoring effluent releases (29 pages) Exemption 6
5.	07/11/1983	Application for amendment to license 29-00139-02, replacing S. Barker w/MD Loberg as member of radiation safety committee (9 pages) Exemption 6
6.	05/27/1983	Application for amendment to license 29-00139-02 incorporating revs to Radiological contingency plan w/out one oversize enclosure. Aperture card available in Region I (16 pages) Exemption 6
7.	05/17/1983	Application for renewal of license 29-00139-02 (33 pages) Exemption 6
8.	09/10/1984	Application to amend license 29-00139-02 appointing J. Gresh as Chairman of radiation safety committee & replacing members E. Banta & P. Rava w/H. Bartlett & E. Eaton (7 pages) Exemption 6
9.	02/07/1985	Application for amend to license 29-00139-02 replacing D. Benson & J P Gresh w/J. Zelenski & D Bulkonow as members of radiation safety Committee (4 pages) Exemption 6
10.	04/03/1985	Forwards changes to radiological contingency plan (23 pages) Exemption 6
11.	12/04/1985	Application for amendment to license 29-00139-02, adding R R Healy as Member of radiation safety committee & changing title of M Loberg, Supporting documentation encl (5 pages) Exemption 6
12.	06/12/1986	Responds to 860521 questions re: licensee radiological contingency plan. City water supply pressure at plant site varies dependent upon

- head in New Brunswick city stand pipe & whether or not pumps running at city facility (14 pages) **Exemption 6**
13. 04/01/1986 Application for amend to license 29-00139-02, updated radiological contingency plan (36 pages) **Exemption 6**
 14. 12/01/1986 Application for amend to license 29-00139-02 authorizing changes in radiation safety committee, inclusion of site limitations & addl byproduct matls. (14 pages) **Exemption 6**
 15. 01/13/1989 Amend 76 to license 29-00139-02 for E. R. Squibb & Sons, Inc., Amending license in entirety w/FM Costello 890113 & E Truskowski 881227 & 1121 ltrs (15 pages) **Exemption 6**
 16. 04/13/1989 Matls licensing package for Amend 77 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 109258 (68 pages) **Exemption 6**
 17. 02/20/1992 Matls licensing package for amend 82 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 115844 (13 pages) **Exemption 6**
 18. 04/17/1992 Matls licensing package for amend 83 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 112622 & 110373 (193 pages) **Exemption 6**
 19. 06/26/1992 Matls licensing package for amend 84 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 114080 (31 pages) **Exemption 6**
 20. 10/16/1992 Matls licensing package for amend 84 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 116972 (55 pages) **Exemption 6**
 21. 05/25/1992 Matls licensing package for amend 86 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 117399 (25 pages) **Exemption 6**
 22. 06/07/1999 Matls licensing package for amend 96 to license 29-00139-02 for E. R. Squibb & Sons, Inc. Control: 126887 (13 pages) **Exemption 6**
 23. 04/12/2000 Bristol-Myers Squibb Co. notification letter re: radiation safety Committee member changes (10 pages) **Exemption 6**
 24. 05/15/2001 Inspection 03005222/2001001 E. R. Squibb & Sons, Inc.: New Brunswick NJ insp sites at New Brunswick, Lawrenceville, Pennington And Hamilton, NJ: 591 inspection record (23 pages) **Exemption 7**
 25. 08/19/1998 E. R. Squibb & Sons Inc. letter excluding two oversized documents that Could not fit into scanner (47 pages) **Exemption 6**
 26. 02/18/1997 E. R. Squibb & Sons, Inc. application (110 pages) **Exemption 6**
 27. 02/20/2009 E. R. Squibb & Sons, Inc., amendment request letter (10 pages) **Exemption 6**