



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 13, 2002

Docket No. 03005222
Control No. 131014

License No. 29-00139-02

John Mamone
Vice President, Operations Support
WMG Technical Operations
Bristol-Myers Squibb Company
NB137-261
P.O. Box 191
New Brunswick, NJ 08903-0191

SUBJECT: E.R. SQUIBB & SONS, INC., REQUEST FOR ADDITIONAL INFORMATION
CONCERNING FINANCIAL ASSURANCE FOR DECOMMISSIONING,
CONTROL NO. 131014

Dear Mr. Mamone:

During a routine audit of documents you have submitted to demonstrate financial assurance for decommissioning for Nuclear Regulatory Commission (NRC) License No. 29-00139-02, we identified that you have not provided a "certification of financial assurance" (certification), as required by 10 CFR 30.35(e): "...The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning..." Enclosed is a model certification. Please submit an originally signed and sealed certification and maintain a copy of it for your files.

In addition, please note that item number 8, of the model parent company guarantee (guarantee) published in Appendix F to NUREG-1727 (enclosed), is worded to require you to revise and **submit** financial statements, test data, and an auditor's special report annually. However, 10 CFR Part 30, Appendix A, II(C)(1), only requires you to repeat passage of the financial test described in 10 CFR Part 30, Appendix A, II(B), within 90 days after the close of each succeeding fiscal year. You are not required by regulation to submit the financial test data to the NRC. Since your current guarantee, dated April 4, 1995, uses the wording in the model guarantee, you may elect to submit an amendment to your guarantee to revise the wording and eliminate the need to submit test documentation to the NRC. The following wording for item number 8 of the guarantee is acceptable to the NRC:

The guarantor agrees to repeat passage of the financial test described in 10 CFR Part 30, Appendix A, II(B), within 90 days of the close of the parent guarantor's fiscal year, and maintain documentation of the test for review during NRC inspection.

Certified Mail
Return Receipt Requested

J. Mamone
E.R. Squibb & Sons, Inc.

2

Finally, your financial assurance files contained "original" documents that have been superceded. In accordance with NRC Management Directive 8.12, "Decommissioning Financial Assurance Instrument Security Program," these documents are being returned to you. Please find these documents enclosed.

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC Public Document Room and will be accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html>.

Please reply to my attention at the Region I Office and refer to Mail Control No. 131014. If you have any questions, please contact Leanne Harrison of my staff, at (610) 337-6926. Thank you for your cooperation.

Sincerely,

Original signed by Pamela J. Henderson

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Enclosures:

1. 10 CFR Part 30
2. NUREG-1727, Appendix F
3. Parent Company Guarantee, dated March 25, 1994
4. CFO letter, dated March 25, 1994
5. Certificate Of Resolution, signed March 25, 1994
6. Certification, signed March 23, 1994
7. Auditor's Confirmation of Letter by CFO, dated March 25, 1994

cc:

Eliot Sigal, Senior Vice President, Drug Discovery/Exploratory Development
Michael Vala, C.H.P., Radiation Safety Officer

CERTIFICATION OF FINANCIAL ASSURANCE

Principal: *[Legal names and business address of licensee]*

NRC license number, name and address of the facility

Issued to: U. S. Nuclear Regulatory Commission

I certify that *[insert name of licensee]* is licensed to possess the following types of *[insert all that apply: "sealed sources or plated foils with a half-life greater than 120 days licensed under 10 CFR Part 30," "unsealed byproduct material with a half-life greater than 120 days licensed under 10 CFR Part 30," "source material in a readily dispersible form licensed under 10 CFR Part 40," and "unsealed special nuclear material licensed under 10 CFR Part 70"]* in the following amounts:

Type of Material

Amount of Material

[List materials and quantities of materials noted above. For byproduct materials and special nuclear materials, list separately the type and amount of each isotope authorized by the license.] OR [make reference to those listed in your license instead of repeating such information.]

I also certify that financial assurance in the amount of *[insert appropriate amount]* has been obtained for the purpose of decommissioning as prescribed by 10 CFR Part *[insert 30, 40, or 70]*.

[Signatures and titles of officials of institution]

[Corporate Seal]

[Date]

J. Mamone
E.R. Squibb & Sons, Inc.

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML021750420.wpd

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	LHarrison/lmh1	JKinneman/pjh1for jdk						
DATE	6/ 13/2002	6/13/2002						

OFFICIAL RECORD COPY