



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Governor

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Acting Commissioner

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May 26, 2009

Robert J. Lewis, Director  
Division of Materials Safety and State Agreements  
Mail Stop T8-E24  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Lewis:

The purpose of this letter is to document a discussion between staff from the US Nuclear Regulatory Commission (NRC) and the NJ Department of Environmental Protection, Bureau of Environmental Radiation (NJ) regarding the status of the Naturally occurring and Accelerator produced Radioactive Material (NARM) waiver.

On August 7, 2009, the NRC will terminate the time limited waivers for all remaining non-Agreement States. At the time of the waiver termination, NJ will not have a signed agreement with the NRC. We understand that termination of the waiver means that the NRC will have jurisdictional authority over all discrete NARM until the effective date of the agreement.

The following items were identified and agreed to during the discussion:

1. The NRC will handle allegations and events for discrete NARM during this time period according to NRC policy. The NRC staff will be coordinating with NJ closely.
2. New Jersey will provide access to license files if needed for any events, enforcement, and allegations that might occur during this interim time period. In addition, a list of NJ licensees will be provided to the NRC.
3. After the expiration date of the NARM waiver, NJ will not issue licensing actions and understands that the NRC will also hold licensing actions during the last 30 days prior to the agreement.

4. If there is an urgent need or a public health and safety issue, the NRC will be taking action, as well as notifying NJ of such action.

Please notify our office if you are not in agreement with any of the four items listed above. New Jersey will continue to coordinate and cooperate with the NRC during this interim time period on any issues that might arise to ensure a smooth transition, minimize impact, and reduce the administrative burden on licensees.

Sincerely,  


Paul Baldauf, P.E.  
Assistant Director  
Radiation Protection and Release Prevention

c: Patricia Gardner, NJ DEP  
John Kinneman, NRC Region 1