

June 25, 2009

Paul Baldauf, P.E., Assistant Director
Radiation Protection and Release Prevention
State of New Jersey
Division of Environmental Safety and Health
Radiation Protection and Release Prevention Element
P.O. Box 415
Trenton, New Jersey 08625-5636

Dear Mr. Baldauf,

Thank you for your letter dated May 26, 2009, to document a discussion between staff from the U.S. Nuclear Regulatory Commission (NRC) and the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation (NJ). Staff of both organizations discussed the status of the Naturally Occurring and Accelerator Produced Radioactive Material (NARM) waiver, which expires on August 7, 2009.

NRC has reviewed your letter and would like to clarify one item, as NRC staff understands it. In item 3, you indicate that "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." NRC staff understands that by "licensing actions," NJ is referring to not issuing NARM licenses in its State during this interim period. NRC staff understands that if there are ongoing enforcement actions that were initiated while the licensee(s) were under NJ jurisdiction, prior to the expiration of the NARM waiver, NJ will continue with such actions. NRC will also use its discretion not to process NARM licensing requests prior to the anticipated effective date for the State Agreement, September 30, 2009.

If you have any questions as staff continues its work on the Agreement, please do not hesitate to contact me, or Torre Taylor, of my staff, at 301-415-7900 or by email at torre.taylor@nrc.gov. I appreciate your staff's continued effort to coordinate and cooperate with NRC as we move forward in the review of your Agreement.

Sincerely,

Robert J. Lewis, Director */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

cc: Patricia Gardner, NJ Department of Environmental Protection
John Kinneman, NRC Region I

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Robert J. Lewis, Director **/RA/**
 Division of Materials Safety and State Agreements
 Office of Federal and State Materials
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cc: Patricia Gardner, NJ Department of Environmental Protection
 John Kinneman, NRC Region I

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