



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

Division of Environmental Safety and Health
Radiation Protection and Release Prevention Element
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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

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

Paul Baldauf, P.E., Assistant Director
Radiation Protection and Release Prevention
State of New Jersey
Division of Environmental Safety and Health
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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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Dennis Sollenberger

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