

October 1, 2009

ALL AGREEMENT AND NON-AGREEMENT STATES
ALL STATE LIAISON OFFICERS

AGREEMENT BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND THE
STATE OF NEW JERSEY (FSME-09-091)

Purpose: To inform you that, pursuant to Section 274b. of the Atomic Energy Act of 1954, as amended (Act), entitled "Cooperation with States," the Commission on September 2, 2009, approved an Agreement with the State of New Jersey. Under the Agreement, the State will assume certain regulatory authority over byproduct material in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act, source material, special nuclear material in quantities not sufficient to form a critical mass, and the regulation of land disposal of byproduct, source, or special nuclear waste materials received from other persons. The Agreement became effective September 30, 2009.

Background: By letter dated October 16, 2008, Governor Jon S. Corzine requested that the Commission enter into a Section 274b. Agreement with the State of New Jersey. In that letter, Governor Corzine certified that New Jersey has a program for the control of the radiation hazards associated with the materials covered by the Agreement that is adequate to protect public health and safety. Governor Corzine further certified that the State desired to assume regulatory responsibility for such materials.

The proposed Agreement, along with a summary of the U.S. Nuclear Regulatory Commission's (NRC) assessment of the proposed New Jersey program, was published for public comment in the *Federal Register* beginning on May 27, 2009, for four consecutive weeks, as required by Section 274e. of the Act. Copies of the proposed Agreement and supporting documentation were made available for inspection at the Commission's Public Document Room.

Discussion: The Commission has determined that the New Jersey program for the regulation of Agreement materials is adequate to protect public health and safety and is compatible with NRC's program. NRC staff will conduct periodic reviews of the New Jersey program using the Integrated Materials Performance Evaluation Program to ensure that the terms of the Agreement continue to be met.

If you have any questions on this correspondence, please contact me or the individual named below.

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ML092720262

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