

## Janda, Donna

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**From:** Donna Janda *RI*  
**Sent:** Thursday, May 28, 2009 3:16 PM  
**To:** Sandra Gabriel  
**Subject:** RE: NJ question  
**Attachments:** NJ NARM language.doc

See attachment for the language we plan to put into our letter to New Jersey licensees regarding this issue and the upcoming Agreement. The letter is still in draft and John Kinneman and Dan Collins are reviewing the letter. This has been discussed with FSME, OGC, and New Jersey so they are aware of the approach we plan to take.

Hope this helps.

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**From:** Sandra Gabriel  
**Sent:** Thursday, May 28, 2009 3:02 PM  
**To:** Donna Janda  
**Subject:** NJ question

We're starting to get questions about what will happen to NARM regulation in NJ between the date of the waiver termination and Agreement transfer. Do you have any information? Thank you.

## **NARM Waiver Expiration and Impact on New Jersey Agreement**

The Energy Policy Act of 2005 (EPAct) authorized the NRC to regulate naturally-occurring and accelerator-produced radioactive material (NARM). Many States regulated this material under their existing State radiation programs. The NRC issued a time-limited waiver to allow the continued use of NARM under State regulatory authority until the NRC could codify new regulations for these materials.

The time-limited waiver will expire on August 7, 2009, and New Jersey's approximately 500 NARM licensees will be under NRC jurisdiction until the effective date of the Agreement, which is anticipated to occur on or about September 30, 2009. As of August 8, 2009, all persons that possess byproduct material must be in compliance with NRC regulations, including reporting and recordkeeping requirements. Licensees have 6 months to apply for necessary license amendments if they already possess an NRC license or 12 months to apply for a new license if they do not already possess an NRC license. If you submit a request for a license amendment or new license involving NARM during the time period that NRC maintains jurisdiction, we will not process the request unless it is necessary for health and safety or security-related authorizations. We will hold the request until New Jersey assumes regulatory authority and we will transfer the requests to New Jersey for appropriate action. During the time period that NRC maintains jurisdiction over NARM, we request that in addition to reporting all events to NRC, licensees also report NARM-related events to New Jersey.