

Janda, Donna

From: Patricia Gardner [Patricia.Gardner@dep.state.nj.us]
Sent: Monday, June 15, 2009 10:58 AM
To: Janda, Donna
Cc: Bill Csaszar
Subject: Letter to NJ Licensees
Attachments: amendmentcutoffdate letter 3 JG edits.doc

Donna - please find attached a letter that we will be sending out to the NJ Licensees this week. We plan on mailing this Wed. Let me know if you have any comments or questions regarding this letter. Thanks
Pat

Received: from TWMS01.nrc.gov (148.184.200.145) by R1MS01.nrc.gov
(148.184.99.10) with Microsoft SMTP Server (TLS) id 8.1.358.0; Mon, 15 Jun
2009 10:59:14 -0400

Received: from mail1.nrc.gov (148.184.176.41) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.1.358.0; Mon, 15 Jun 2009
10:59:13 -0400

X-Ironport-ID: mail1

X-SBRS: 5.3

X-MID: 3055130

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

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X-IronPort-AV: E=Sophos;i="4.42,222,1243828800";

d="doc'32?scan'32,208,217,32";a="3055130"

Received: from mail6av.state.nj.us ([199.20.71.239]) by mail1.nrc.gov with
ESMTP; 15 Jun 2009 10:59:13 -0400

Received: from dep.state.nj.us (dep-gwdom1.dep.state.nj.us [10.19.57.29]) by
mail6av.state.nj.us (8.14.1/8.14.1) with ESMTP id n5FEVFF2003424 for
<Donna.Janda@nrc.gov>; Mon, 15 Jun 2009 10:31:16 -0400

Received: from DEP-GATEWAY-MTA by dep.state.nj.us with Novell_GroupWise;
Mon,

15 Jun 2009 10:59:00 -0400

Message-ID: <sa362974.058@dep.state.nj.us>

X-Mailer: Novell GroupWise Internet Agent 6.5.4

Date: Mon, 15 Jun 2009 10:58:29 -0400

From: Patricia Gardner <Patricia.Gardner@dep.state.nj.us>

To: <Donna.Janda@nrc.gov>

CC: "Bill Csaszar" <Bill.Csaszar@dep.state.nj.us>

Subject: Letter to NJ Licensees

MIME-Version: 1.0

Content-Type: multipart/mixed; boundary="=_PartF0DB8185.0_="

X-Proofpoint-Virus-Version: vendor=nai engine=5.3.00 definitions=5646
signatures=529359

X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0
ipscore=0 phishscore=0 bulkscore=0 adultscore=0 classifier=spam adjust=0 reason=mlx
engine=5.0.0-0811170000 definitions=main-0906150096

Return-Path: Patricia.Gardner@dep.state.nj.us

**Bureau of Environmental Radiation
Radioactive Materials Section
PO Box 415
Trenton, NJ 08625-0415
Phone (609) 984-5462
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June 17, 2009

URGENT AGREEMENT STATE INFORMATION

TO: ALL NEW JERSEY RADIOACTIVE MATERIALS LICENSEES

SUBJECT: PROPOSED AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND
THE U.S. NUCLEAR REGULATORY COMMISSION

Dear Licensee:

As you are probably aware, the State of New Jersey intends to enter into an Agreement with the U.S. Nuclear Regulatory Commission (NRC) such that the NRC will relinquish to the State of New Jersey regulatory authority for certain licenses for byproduct, source, and special nuclear materials. It is anticipated that the Agreement will become effective on or about September 30, 2009. New Jersey's decision to become an Agreement State was precipitated by an amendment to the federal Energy Policy Act which changed the definition of byproduct material to include discrete naturally occurring and accelerator produced radioactive material (NARM), which states have regulated.

The NRC extended certain states' authority to regulate discrete NARM under a waiver which will expire on August 7, 2009. This means that from August 8, 2009, until the effective date of the Agreement, the NRC will have jurisdiction over New Jersey's current State discrete NARM licensees*. However, the NRC has indicated that they will only process amendment requests necessary for health and safety or security-related authorizations during the anticipated two month period (August-September) prior to the effective date of the Agreement. Consequently, there would be a two month period when only a select few types of licensing actions would be processed.

With this in mind, we recommend that any anticipated license amendment requests be submitted to our office by July 3, 2009. This will ensure timely processing before the State's waiver to regulate these materials will expire. Requests received after July 3, 2009, will be processed if time permits prior to the expiration of the State's waiver. If a request cannot be processed prior

* Discrete NARM licensees do not include water treatment systems or contaminated sites containing diffuse technologically enhanced naturally occurring radioactive materials. There will be no disruption of New Jersey authority to regulate these diffuse NARM licensees.

to August 7, 2009, it will be held on file until such time as the Agreement between New Jersey and the NRC is signed. If the amendment request is necessary for health and safety or security related authorizations and cannot be submitted prior to August 7, 2009, you are directed to send the request to the NRC during the August 8, 2009, through September 30, 2009, time period.

Should you have any questions concerning this matter, please contact the Radioactive Materials Section at (609) 984-5462.

Sincerely yours,

William P. Csaszar
License Administrator