

Janda, Donna

From: Sandra Gabriel
Sent: Wednesday, February 25, 2009 2:42 PM
To: Torre Taylor; J Bruce Carrico
Cc: Donna Janda
Subject: RE: Staff assessment for the NJ agreement application
Attachments: NJ Staff Assessment.doc

Here is an updated version of item 14 for the staff assessment. Bruce and I were to coordinate on this; please change it as you see fit. The attachment also includes outstanding issues/comments from my review of the Agreement request.

Thanks.

From: Torre Taylor
Sent: Wednesday, February 18, 2009 10:57 AM
To: Bruce Watson; Donna Janda; Gary Purdy; J Bruce Carrico; Joan Olmstead; Sandra Gabriel; Monica Orendi
Cc: Dennis Sollenberger; Torre Taylor
Subject: Staff assessment for the NJ agreement application
Importance: High

Correction to date to complete assessment -

Sorry - I lost a week there. The due date is really 2/27 and we'll try for a team meeting on 2/25 or 26 pending schedules.

Hello,

I've attached a draft staff assessment and team assignments per my earlier email.

The draft staff assessment is the one from the Virginia agreement that is currently being worked on by Monica. Certain text is highlighted that needs to be revised based on NJ's application. We may not have gotten all text highlighted that needs to be changed - be sure and check the language carefully. For the section on Personnel - so much will change, we didn't bother highlighting it.

Most of the questions are a short paragraph, but there is a reference section as to where the information is found. I still don't have an ADAMs ML number yet - so if you can be specific as to which volume and section of the application your reference is in, I can add the ML in later.

Dennis suggested that for your assignments, if there are outstanding issues from your review, list them in bullets after the paragraph - we will resolve those as we proceed with the staff assessment.

Monica did the regulation review portion for the NJ application - so I've included her on this email as well.

We ask that you complete your sections by February 20, 2009. Dennis and I are trying to schedule a team meeting on 2/18 or 19 (depending on how the teams' schedule looks) to discuss the assessment and address any questions.

Let me know if you have problems opening the document - there is a funny extension but I've been able to open it by right click and open.

Torre
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301-415-7900

Received: from R1CLSTR01.nrc.gov ([148.184.99.7]) by R1MS01.nrc.gov
([148.184.99.10]) with mapi; Wed, 25 Feb 2009 14:42:21 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Sandra Gabriel <Sandra.Gabriel@nrc.gov>
To: Torre Taylor <Torre.Taylor@nrc.gov>, J Bruce Carrico
<JBruce.Carrico@nrc.gov>
CC: Donna Janda <Donna.Janda@nrc.gov>
Date: Wed, 25 Feb 2009 14:42:19 -0500
Subject: RE: Staff assessment for the NJ agreement application
Thread-Topic: Staff assessment for the NJ agreement application
Thread-Index: AcmR4DKkkWDsdDd+R1OKJd7tZiN1HAFn7PPQ
Message-ID:
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14. **Evaluation Criteria. In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing regulatory guides for various categories of licensed activities.**

The NRC staff review determined that the State has established a series of procedures, checklists, and forms to be used in evaluating proposals for radioactive materials use. These will be used in addition to the licensing guidance in the NRC NUREG-1556 series. In addition, the State developed administrative licensing procedures that define the review process for a new license application, amendment, renewal, and license termination. The State licensing procedures are similar to NRC procedures.

The staff concludes that this criterion is satisfied.

References: Letter dated October 16, 2008, from Governor Corzine to Chairman Klein, request for an Agreement, and additional related correspondence between the NRC and the State (ADAMS: ML090510713, ML0090510708, and ML090510709).

Remaining issues from "NJ DEP Resolution of January 11, 2008 NRC Comments"

Item #14: Are licensees to application format described in "Radioactive Materials License Application Instructions" or the format described in the NUREG-1556 guidance, or both? In some cases the instructions conflict with the NUREG-1556 guidance. Will NJDEP accept use of the checklists in the NUREG-1556 volumes? [These are designed for use by both licensees and license reviewers]

Item #21: The NJ response states that NJDEP views all information concerning radioactive material licensees' activities as a domestic security issue, therefore it is exempted from OPRA requirements to provide information to the public and there is no need for a procedure regarding withholding of information. Will NJ mark outgoing documents, such as licenses and correspondence, to indicate that they are security-related and not to be released to the public?

Item #27: References to NRC regulations in the "State Response" for this item are not fully correct, but appear to be corrected in the "Radioactive Materials License Application Instructions." [Note the typo in the first NJAC reference in the portable gauge section of the "Radioactive Materials License Application Instructions." Reference should be N.J.A.C. 7:28-52.1]

OTHER ISSUES

"Radioactive Materials License Application Instructions"

NUREG-1556, Vol. 9, Rev. 1 has been superseded by Rev. 2; the reference and the link to the NRC website should be updated. Will NJDEP accept use of the Form 313A series and guidance, for medical use licensees to submit qualifications for proposed authorized individuals? If so, it might be helpful to state this and provide the link(s) to the NRC website. Also, NUREG-1556, Vol. 13 has been superseded by Rev. 1; the reference and link to the NRC website should be updated.

Page 2 instructs applicants not to submit copies of NRC or NJDEP licenses. While NJDEP will certainly have access to copies of its own licenses, there are likely to be many situations in which it is most expeditious for applicants to include copies of NRC licenses in order to verify previous authorizations of authorized individuals.

BER 3.04 and 3.07: Time frames for completion of review of licensing actions

Time frames for completion of review of licensing actions appear to differ in BER 3.04, section 3.1 (90 days for completion of licensing action, with deficiencies issued by day 45) and BER 3.07, section 3.0C, which says the objective is to issue licensing actions within 45 days and deficiency letters within 30 days (with clock re-starting after receipt of response).

COMMENT UNRELATED TO LICENSING:

Technical Staffing and Training, Formal Qualification Plan:

Medical Qualification Journal references to program code 2100 should be corrected to 2110 for medical institution, broad.

The submitted qualification journals for current staff appear to list certain accompaniments with NJ inspectors as fulfilling training requirements. Not sure this should be considered acceptable for complex programs, without consideration for the NRC-licensed aspects of the program? For example, a medical broad license accompaniment is listed for one individual (Jack Tway), when this licensee does not hold an NRC medical broad license.