

7) New Jersey Agreement Application. Staff is working towards an effective date of no later than September 30, 2009. The NARM waiver expires on August 7, 2009; the final SECY paper for the Agreement will discuss the steps staff is taking to address the NARM waiver expiration and the interim time period.

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The schedule for processing the final steps of the Agreement is tight and staff has shortened the steps where possible. Staff is working to provide the Commission with final recommendations regarding the New Jersey Agreement application as soon as possible after the comment period ends, but no later than August 24, 2009. It is critical for staff to have Commission direction on this SECY paper no later than September 16, 2009, in order to meet the effective date of the Agreement by September 30, 2009, and finalize the last steps of processing the Agreement. If the Agreement cannot be in place by September 30, 2009, there will be a significant impact on licensees in New Jersey, particularly increased costs due to fees.

The public comment period closed on June 26, 2009. Six comments were received. Shieldalloy Metallurgical Corporation (SMC), who is on the "complex decommissioning site," list was one of the commenters. SMS is opposed to the Agreement. SMC commented extensively on the compatibility of the license termination rule, providing several examples where New Jersey regulations are more restrictive than NRC's regulations. These comments will be addressed in a comment resolution document and provided as an enclosure to the final SECY paper providing staff recommendations to the Commission.

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(Note: 510 NRC licensees based in NJ).

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The final SECY paper will address any ongoing inspection and/or enforcement activities, outstanding orders, allegations, petitions, and complex decommissioning sites. There are currently two complex decommissioning sites in New Jersey. One licensee, Stepan Chemical, will remain with NRC since New Jersey has not requested 11e.(2) byproduct material under its Agreement. The second licensee, Shieldalloy Metallurgical Corporation, will transfer to New Jersey since New Jersey has requested authority for source material. (MSSA—please shorten)

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