

Charlie's periodic

New Jersey Agreement Application. (Torre Taylor/Dennis Sollenberger) Staff is working towards an effective date of ~~no later than~~ September 30, 2009. The NARM waiver expires on August 7, 2009, and staff is trying to minimize the impact on licensees during the interim ~~the~~ time period between August 7, 2009 and the effective date of the Agreement. Staff is working with the New Jersey program as well to minimize the impact. 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. ~~ensure an efficient transition during this interim time period in order to minimize the impact to NARM licensees in New Jersey.~~ The New Jersey program management has submitted a letter to the NRC confirming their understanding of the jurisdictional authority during this interim period.

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; five comments were received. Only one licensee, Shieldalloy Metallurgical Corporation (SMC), commented on the proposed Agreement, and 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. SMC also commented on areas related to implementation of the program under IMPEP review. Additionally, they stated that if New Jersey's Agreement did become effective, the regulatory authority over SMC should remain with NRC, and provided several reasons. 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.

Note that the compatibility level for NRC's License Termination Rule is Category C, which means that a State can have more restrictive requirements for this regulation. Other States have similar more restrictive standards for license termination, including lower dose standards from NRC's 25 mrem.

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, SMC, will transfer to New Jersey since New Jersey has requested authority for source material. Staff is continuing its work on decommissioning activities with SMC and expects a revised Decommissioning Plan in August. SMC is conducting leach rate tests of the slag material. The staff is awaiting the results of these tests. Tests were expected to be completed in June. Once staff receives the revised Plan, staff will begin its review of the Plan to determine whether the revision includes responses to the unanswered RAIs from 2007 and responses to questions raised by the staff on the answered RAIs. It is anticipated that the staff's review of the revision would extend beyond the expected effective date of the Agreement with New Jersey. Once New Jersey becomes an Agreement State, the

SMC license will transfer to New Jersey, and continued decommissioning activities will be under the authority of New Jersey at that time.
(Note: 510 NRC licensees based in NJ).

Marty's periodic

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