

## **NRC COMPLETES THE STATE OF NEW JERSEY AGREEMENT**

On September 2, 2009, the U.S. Nuclear Regulatory Commission (NRC) approved an Agreement with the State of New Jersey (New Jersey or State) under Section 274b. of the Atomic Energy Act of 1954, as amended (AEA). Under the Agreement, NRC transferred to New Jersey the responsibility for licensing, rulemaking, inspection and enforcement activities for: (1) radioactive materials produced as a result of processes related to the production or utilization of special nuclear material (SNM); (2) naturally occurring or accelerator-produced radioactive material (NARM); (3) source material (uranium and thorium); (4) SNM in quantities not sufficient to form a critical mass; and (5) the regulation of the land disposal of source, byproduct material and SNM received from other persons.

New Jersey becomes the 37th state to sign such an agreement with the NRC. The agreement became effective September 30, 2009.

The NRC transferred approximately 500 licenses to the State's jurisdiction. In addition, the State retains regulatory authority for approximately 500 NARM licenses, including 300 who also hold NRC licenses. These licensees would have their NRC and New Jersey licenses combined into a single State license. In total, New Jersey would then have jurisdiction over approximately 700 licenses.

By law, NRC retains jurisdiction over commercial nuclear power plants and federal agencies using certain nuclear material in New Jersey. In addition, NRC retains authority for the review, evaluation and approval of sealed radioactive materials and devices containing certain nuclear materials manufactured in New Jersey and distributed throughout the country.

Before approving the agreement, NRC reviewed New Jersey's radiation control program to ensure it is adequate to protect public health and safety and is compatible with the agency's own program for regulating the radioactive materials covered in the agreement. An announcement of the proposed agreement was published for four consecutive weeks in the *Federal Register* beginning May 27, 2009, inviting comments from the public. The agency received six comment letters on the proposed Agreement – two supporting the Agreement, two opposed, one that supported the rationale of States assuming regulatory authority but not the fee differences that will occur and one general comment that did not express support or opposition.

The Governor's request and supporting documents, as well as the NRC staff's assessment are available through the NRC's Agency-wide Documents Access and Management System (ADAMS). Help in using ADAMS is available by contacting the NRC Public Document Room staff at 301-415-4737 or 1-800-397-4209, or by sending an e-mail message to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). These documents are also available for public inspection at the NRC Public Document Room at 11555 Rockville Pike, Rockville, Maryland.

Thirty-six other states have previously signed such agreements with NRC. They are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

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