

Paul Baldauf, P.E.  
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State of New Jersey  
Department of Environmental Protection  
Division of Environmental Safety and Health  
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Dear Mr. Baldauf,

Thank you for your letter dated May 26, 2009, to document a discussion between staff from the U.S. Nuclear Regulatory Commission (NRC) and the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation (NJ). Staff of both organizations discussed the status of the Naturally Occurring and Accelerator Produced Radioactive Material (NARM) waiver, which expires on August 7, 2009.

NRC has reviewed your letter and would like to clarify one item, as NRC staff understands it. In item 3, you indicate that "After the expiration date of the NARM waiver, NJ will not issue licensing actions and understands that the NRC will also hold licensing actions during the last 30 days prior to the Agreement." NRC staff understands that by "licensing actions," NJ is referring to not issuing NARM licenses in its State during this interim period. NRC staff understands that if there are ongoing enforcement actions that were initiated while the licensee(s) were under NJ jurisdiction, prior to the expiration of the NARM waiver, NJ will continue with such actions.

If you have any questions as staff continues its work on the Agreement, please do not hesitate to contact me, or Torre Taylor, of my staff, at 301-415-7900 or by email at [torre.taylor@nrc.gov](mailto:torre.taylor@nrc.gov). I appreciate your staff's continued effort to coordinate and cooperate with NRC as we move forward in the review of your Agreement.

**{insert signature block}**

Cc: Patricia Gardner, NJ Department of Environmental Protection  
John Kinneman, NRC Region I

Distribution:

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