



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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No. 09-XXX

[Insert date]

NRC COMPLETES NEW JERSEY AGREEMENT TO REGULATE CERTAIN RADIOACTIVE MATERIALS

The Nuclear Regulatory Commission has completed an Agreement with the State of New Jersey, under which New Jersey will assume NRC's regulatory authority over certain radioactive materials in the State. New Jersey becomes the 37th State to sign such an Agreement with the NRC. The Agreement is effective September 30, 2009.

Under the Agreement, the NRC will transfer to New Jersey the responsibility for licensing, rulemaking, inspection and enforcement activities for: (1) radioactive materials produced as byproducts from the production or utilization of special nuclear material (SNM--enriched uranium or plutonium); (2) naturally occurring or accelerator-produced byproduct material (NARM); (3) source material (uranium and thorium); (4) SNM in quantities not sufficient to support a nuclear chain reaction; and (5) the regulation of the land disposal of source, byproduct, and SNM received from other persons.

The NRC will transfer an estimated 500 licenses for radioactive material to New Jersey's jurisdiction. New Jersey would retain regulatory authority over approximately 500 NARM licensees, 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 would retain jurisdiction over commercial nuclear power plants and federal agencies using certain nuclear material in the state. In addition, NRC would retain authority for: (1) the review, evaluation and approval of sealed radioactive materials and devices containing certain nuclear materials; and (2) the regulation of the tailings and other wastes from uranium milling within New Jersey.

Before entering into the Agreement, the NRC reviewed New Jersey's radiation control program to ensure it was 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 four times in the *Federal Register* in May and June 2009, inviting comments from the public. The agency received five comment

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letters – two supporting the Agreement; two opposing the Agreement; and one general comment, not expressing support or opposition.

The Agreement will be announced shortly in the *Federal Register*. Copies of the Agreement, the governor's request and supporting documents, as well as the NRC staff's assessment will be available through the NRC's Agency-wide Documents Access and Management System (ADAMS) document library. 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. 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 similar Agreements with the 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.

More information about the Agreement State program is available on the NRC's Web site at: <http://nrc-stp.ornl.gov/>.