## Sollenberger, Dennis

PME

**From:** Taylor, Torre
**Sent:** Sunday, July 05, 2009 7:31 PM
**To:** Sollenberger, Dennis; Olmstead, Joan
**Subject:** enclosure public comment analysis NJ agreement.doc
**Attachments:** jim lieberman comment writeup revision dennis.doc

revision to write-up for Jim Lieberman's comment - from Dennis' draft - for review/edit.

Status: I have to review my comment resolution for SMC from Sunday's work; I have several placeholders for some pending research - from all of us. We should regroup on this Monday afternoon or Tuesday - at the latest, if at all possible. Keep me posted on your status, problems, etc, as will I.

I still have lots to pull together for the entire package and I need to get to those as well. If possible, try to keep Monday afternoon or a time period on Tuesday open so we can meet.

I'll be talking with you ! Torre



G/7 6

**Miscellaneous Comments**

Summary of Comments

A regulatory and nuclear consultant, Jim Lieberman, submitted a comment, inquiring if the State of New Jersey, upon approval of the Agreement, will honor past NRC license terminations at the 25 mrem per year standard without requiring terminated NRC licensees to conduct further remediation to meet the lower standards under New Jersey regulations. Mr. Lieberman suggested conditioning the Agreement giving full credit to past NRC license terminations unless there was a significant threat to public health and safety.

NRC Staff Response

The New Jersey regulations, N.J.A.C. 7:28-12.4(d), do not allow the imposition of new standards on already approved decommissioning/remediation plans due to a revision to established remediation standards unless the differences between the two standards differs by an order of magnitude. Given that the remediation standard in New Jersey regulations (15 mrem per year) and the NRC regulations (25 mrem per year) do not differ by an order of magnitude, New Jersey would have no basis to revisit prior NRC license terminations. Also, NJ does not authorize restricted release for long term radionuclides. However, there have not been any license terminations by NRC of licensees located in New Jersey that applied the restricted release criteria in NRC regulations. ~~Consequently, the staff concluded that no conditioning of the Agreement is necessary.~~ **Implies we would condition the agreement and I thought from our discussions that we wouldn't condition an agreement like this. Revision:** NRC has no basis to believe that NJ will systematically review all previously terminated sites and require previous licensees to decommission to more restrictive standards.