Sollenberger, Dennis

From: Taylor, Torre
Sent: Monday, July 27, 2009 11:37 AM
To: DeCicco, Joseph
Cc: Sollenberger, Dennis
Subject: Charlie periodic update july 27.doc
Attachments: Charlie periodic update july 27.doc

update for Charlie - only a few words deleted - did track changes; no additions.

G/81

Charlie's periodic update July 27 2009

DMSSA

- New Jersey Agreement Application. (Torre Taylor/Dennis Sollenberger) Staff is working towards an effective date of September 30, 2009. The NARM waiver expires on August 7, 2009. 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.

  Deleted: no later than

  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. Six comments were received. Two licensees commented on the proposed Agreement. One commented on the fees that New Jersey will charge. The other licensee, Shieldalloy Metallurgical Corporation (SMC), 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.

  The compatibility level for NRC's License Termination Rule is Category C, so 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. (Note: 510 NRC licensees based in NJ).