Note to File: NJ Agreement Application

From: Torre Taylor

Date: March 13, 2009

Subject: Call with NJ regarding team comments on supplemental information

I had a telephone conference call with Pat Gardner, Rich Peros, and Bill Csaszar regarding team comments on supplemental information that was submitted in response to team comments on application. I went through the remaining comments. Below are the comments/answers where needed. Pending is marked for information they need to submit.

1. (b)(5)

Ex 5 attorney client privilege

2. Regarding exemptions for expired licenses

Information in this record was deleted in accordance with the Freedom of Information Act. Exemptions Ex. 5
FOIA/PA 2010-0039

H/1

a. This is tied to committing to license commitments and the regulations
   i. They can apply the regulations to these entities
   ii. The Radiation Protection Act is written very broadly and can apply to persons, including those who may inadvertently find themselves in possession of radioactive material.
b. NJ very clearly lists out an action plan – when they have to get the renewal in, etc.
c. Would be used mainly for hospitals only – impact on patient care
d. Non-medical would require storage only until renewal was received
e. With this, a licensee getting in this situation would have a separate enforcement action taken – violation would be given.
f. This comment is considered closed.

3. NJ is well aware of the line re: diffuse, discrete and what NRC will be regulating. Their answer in the matrix re: diffuse and material that NRC doesn't regulate is referring to their definition of diffuse and in no way is meant to imply that NRC is not regulating certain activated products (per the NARM rule).

4. Comments on events and reactive inspections

   a. Regarding Gary's comments on reactive inspections and staff notifications, questions regarding licensing staff notifications, look at generic implications

      i. Did state that they would examine the regulatory significance – look at possibility of generic implications.
         1. He would like to see a bit more detail but believes it will suffice.
            a. TTaylor note: staff do licensing and also perform inspections – there won't be isolation with the program and regional field offices and such.

      ii. one question was regarding the centralized database used by NJ. This database is used for licensing and event information. When one is doing licensing actions, do they have to check this database for information?

      iii. It is part of the licensing process. When staff enters information and start to generate a new license document, if there are new events or issues related to that program code entered by staff, a message pops up to tell them to check the new information before they can issue the document. This database is in it's 2nd round of testing – in April, and will be in the formal process.

      iv. The information provided in the matrix responding to the 1/08 letter talked about a website and mailings, etc. All that still holds; none of that is going away.

   b. Procedure 7.06 re: follow-up action and action levels for radiation exposure – members of the public (NRC's mc 1302).
      i. Provided suggested revision to clarify 7.06 and 7.05 – got MC 1301 and 1302 switched with which as what information.

ii. Referenced attachments that are in MC 1301 – they do not need the attachments but if they are going to have them, they need to add to procedure.
iii. NJ will look at and make adjustments ____**pending**

c. Dose correction in paragraph 06.02 – 1 mSv = 100 mrem
   i. NJ will correct

d. Noted that MC 1301 has quite a bit of information that NJ did not add, which is ok. But some of the criteria on pages 8-9 of MC 1301, (a)-(e) were not included – events in the ~5rem range.
   i. Noted it's probably ok, but thought these would be added as well as the ones that trigger abnormal occurrence, etc.
      1. NJ will look at – they probably switched the criteria; the higher levels ones would trigger the incident response plan and those are probably the ones not needed in BER 7-06.
      2. will submit adjustment _____**pending**

e. 4.3.1 – materials licensing
   i. Last full paragraph – last sentence – we believe that is actually attachment 1 now. If correct, make change. If do make change, go ahead and delete NSTS under license condition on last page – this was put into regulation and license condition is not needed now. _____**pending**

f. The information with the replacement attachment 1 cover page is marked official use only – we had pulled this before. We put in the burn box here at NRC since information is not needed. Done 3/12/09.

g. Form 241 – 10 CFR 31 and NJ regulation reference needs to be corrected in item 7 and 19 c to match 19.b. ____**pending**

The paragraph below added on 3/13/09 late after NJ response. Not in info. sent to team but not necessary to resolve a comment.

5. Regarding paragraph in licensing application instructions – R, related to general licenses. On further read, I believed that the paragraph could stand if they needed to address the form, given they have the *in vitro* registration form; they're describing the categories of licenses.
   a. They could had a another heading re: general licenses, making clear they don't use the form 313; paragraph R can be in with adding radium-226.
   b. They added the paragraph back in and added radium-226. They didn't address the *in vitro* form, but that's fine.