

**Sollenberger, Dennis**

**From:** Taylor, Torre - FSME  
**Sent:** Wednesday, June 10, 2009 10:14 AM  
**To:** Sollenberger, Dennis  
**Subject:** FW: NJ Agreement

just got from Jim - haven't read it yet.

-----Original Message-----

**From:** Jim Lieberman [mailto:jl@lieblet.com]  
**Sent:** Wednesday, June 10, 2009 10:13 AM  
**To:** Taylor, Torre; Terrence Reis  
**Subject:** NJ Agreement

I sent the following comment in today:

Mr. Michael T. Lessar  
Chief, Rulemaking and Directive Branch  
NRC

I appreciate the opportunity to comment on the proposed agreement between the NRC and the State of New Jersey. Before finalizing the agreement, NRC will need to determine that the New Jersey 's program is adequate to protect the public health and safety for materials covered by the agreement and is compatible with the Commission's program. As to these determinations, it is my understanding that the New Jersey's license termination provisions are more restrictive than the NRC in that it does not have provisions for restrictive release similar to 10 CFR 20.1403. In addition, it is my understanding that New Jersey's will utilize for unrestricted release termination a 15 millirem per year standard rather than the 25 millirem per year plus ALARA standard in subpart E of 10 CFR Part 20. New Jersey stated in its comments when promulgating its regulations in 2000 , at page 68, that as to the comparison to 10 C.F.R. Part 20 Subpart E, " [t]here are four reasons why it is impossible to determine if the NRC standards are more or less stringent than the proposed standards." Assuming NRC finds the New Jersey standard more stringent and approves the agreement; my comment is whether the State of New Jersey will honor past NRC license terminations at 25 millirem per year without requiring terminated NRC licensees to provide for further remediation to meet the lower standards under New Jersey regulations. I respectfully suggest that the NRC condition the agreement on New Jersey giving full credit to past NRC license terminations similar to the provision in 10 CFR 1401(c). That is, before reopening a terminated NRC license, New Jersey will need to find that the remaining residual radioactivity at the site could result in a significant threat to public health and safety. While the NRC has not specifically stated what that level would be, it is certainly more than 25 millirem per year.

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Best Regards

Jim Lieberman

Regulatory and Nuclear Consultant

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e-mail: [jl@lieblet.com](mailto:jl@lieblet.com)

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