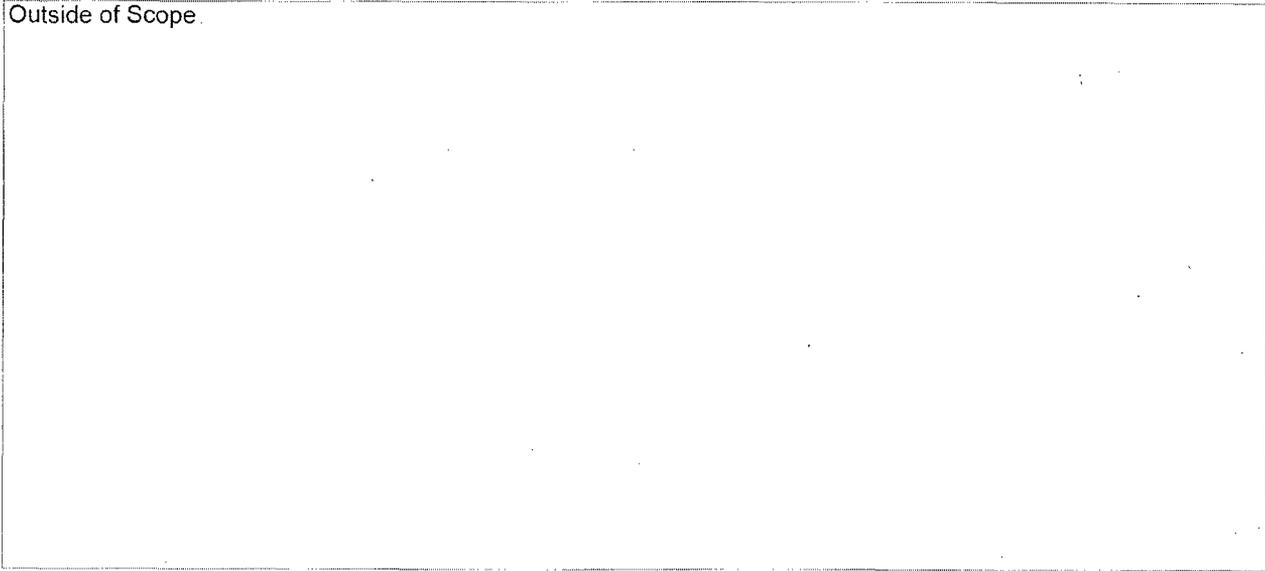


Briefing Bullets for C. Miller Visit

Outside of Scope.



outside of scope

Shield Alloy (SMC)

- ShieldAlloy Metallurgical Corp. (SMC) located in Newfield, NJ., source material license with large quantities of uranium and thorium bearing slag and baghouse dust
- New Jersey DEP was granted a hearing request by ASLB - deferred hearing until after staff has completed environmental and safety reviews
- State of New Jersey has filed a law suit challenging portions of NUREG-1757 related to long term control licenses, OGC currently assisting staff with RAIs and awaiting completion of review
- Emergent activities - NRC reviewing allegation regarding leasing of property on site, RI to inspect coming months

Outside of Scope



Outside of scope

Agreement State Application

Interest was generated based on retention of current NARM licensees and significant events such as the H-3 exit sign remediation events.

- Governor Corzine by letter dated May 23, 2006 notified NRC that New Jersey intended to pursue becoming an Agreement State.

Outside of Scope

(1 page)

New Jersey (*Letter of Intent*)

Non-Agreement State Program Director

Paul Baldauf, Assistant Director

Radiation Protection Programs

Division of Environmental Safety, Health & Analytical Programs

Dept. of Environmental Protection

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State Liaison Officer

Lisa P. Jackson, Commissioner

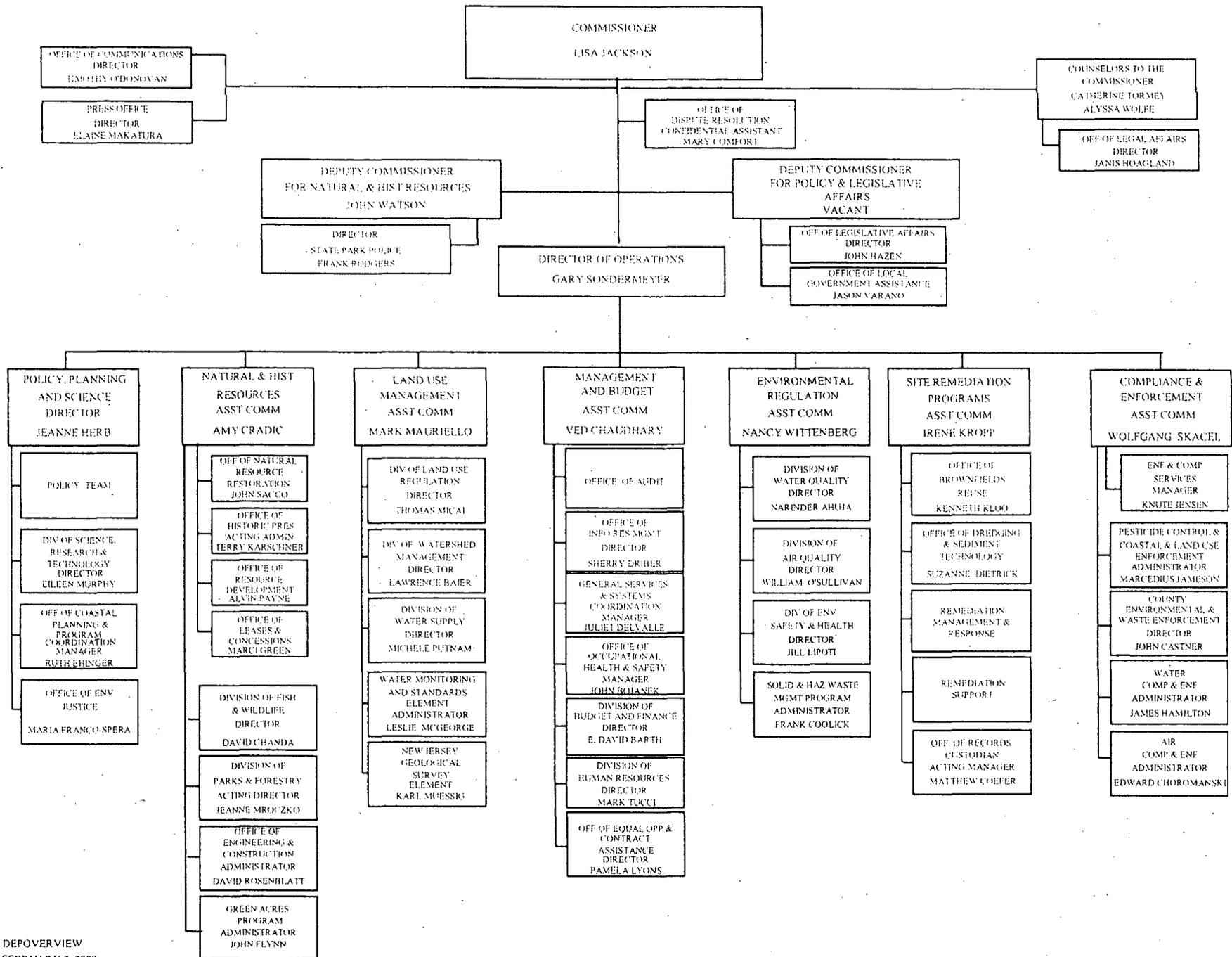
New Jersey Department of Environmental Protection

P.O. Box 402

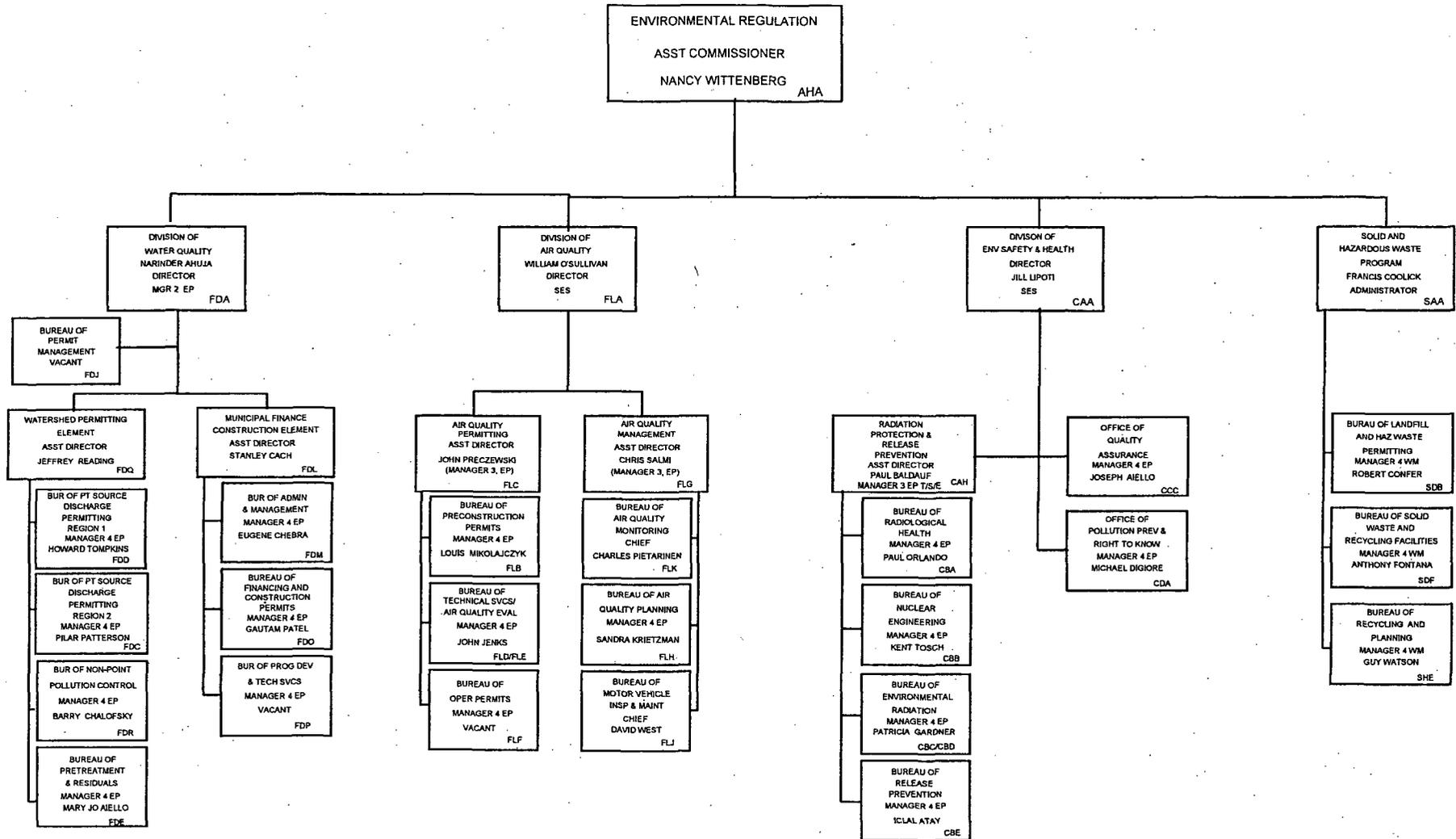
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ENVIRONMENTAL REGULATION



Outside of Scope

(2 pages)

Shieldalloy Status Briefing

Purpose: Provide information and seek input on current status of Shield Alloy and future actions.

Success: Senior management obtains a clear view of current regulatory actions and milestones for future actions.

Brief History

- Site licensee is Shieldalloy Metallurgical Corp. (SMC), site contains substantial slag and baghouse dust containing uranium and thorium.
- Current Decommissioning Plan (DP) from Oct. 2006, FSME is in the process of reviewing RAIs and requesting supplemental information.
- SMC is proposing restricted use decommissioning which requires an environmental impact study (EIS), currently being done by FSME
- A complete response from SMC on RAIs and a revised DP is expected May 16, 2008

Status

- Staff expects to complete review of current RAI responses by the end of Jan. 2008
- Staff plans additional discussions in March and February to convey additional supplemental information needed as a result of the review. A public meeting may be held in the March time frame to resolve RAI issues (Cat. 3).
- FSME is evaluating a public meeting to be held in April to discuss the status of the decommissioning process (RI working with FSME on process)
- RI issued inspection report January 11, 2008

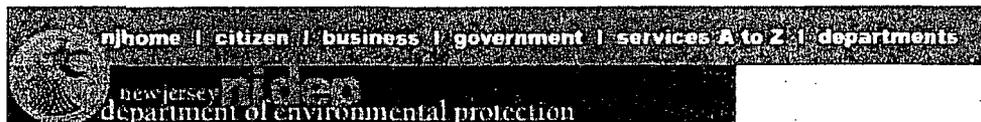
Challenges

- NJDEP granted hearing request by ASLB – deferred hearing until after staff has completed environmental and safety reviews
- State of NJ filed a law suit challenging NUREG-1757 (possession license for long term control) (b)(5)
- This is the first attempt to implement long term control with a licensee
- SMC is currently leasing property on site (sign posted), NJDEP aware, FSME/RI follow-up

Milestones

- September 2008, staff completes Final Safety Evaluation Report
- October 2008, staff publishes Draft Environmental Impact Statement (EIS)
- October 2008, staff holds public meeting on Draft EIS
- November 2008, public comment period on Draft EIS ends
- May 2009, staff issues final EIS
- August 2009, NJ currently estimated to become Agreement State
- October 2011, SMC submits FSS
- February 2012, completed remediation and license issued/amended

5/13


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OFFICE OF THE COMMISSIONER

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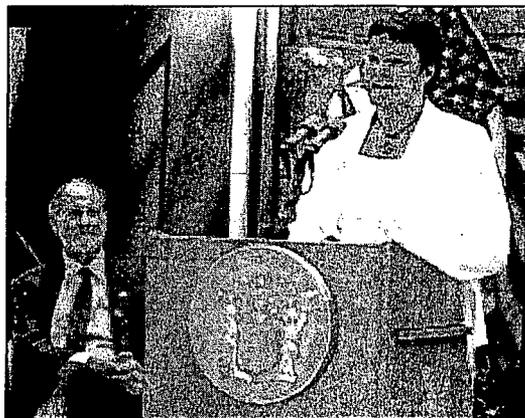
About Commissioner Lisa P. Jackson

New Jersey Department of Environmental Protection

As Commissioner of the New Jersey Department of Environmental Protection (DEP), Lisa P. Jackson leads a staff of 3,400 professionals dedicated to protecting, sustaining and enhancing New Jersey's water, air and land, and preserving its wealth of natural and historic resources.

Before her nomination by Governor Corzine, Jackson served as the DEP's Assistant Commissioner for Land Use Management. Under her leadership, the DEP crafted regulatory standards for implementing the landmark Highlands Water Protection and Planning Act.

Upon joining DEP, Jackson served as Assistant Commissioner for the Division of Compliance and Enforcement. As the department's chief environmental enforcer, Jackson led pioneering compliance sweeps in Camden, NJ and Paterson, NJ where families live in close proximity to regulated facilities. Working with the county officials, State Police and EPA, DEP mobilized more than 200 inspectors to conduct more than 2,100 compliance investigations and issued more than 500 violations in the two cities.



Commissioner Lisa P. Jackson and Governor Jon S. Corzine at the bill-signing ceremony for the *Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007*, which put Public Question #3 on the November 2007 ballot.

Prior to joining DEP, Jackson served for 16 years with the U.S. Environmental Protection Agency (EPA), initially at its headquarters in Washington and more recently at its regional office in New York City. During her tenure at the EPA, Jackson worked in the federal Superfund site remediation program developing key hazardous waste cleanup regulations, overseeing hazardous waste cleanup projects throughout central New Jersey and directing multimillion-dollar cleanup operations. She later served as deputy director and acting director of the region's enforcement division.

Jackson currently serves on several boards and committees, including the NJ Outdoor Women's League, Inc., New Jersey Sustainable State Institute, New Jersey Development Council, NJ Intergovernmental Protection Commission, the Executive Committee of the Natural Resources Leadership Council of the States, the Board of Trustees for Prosperity NJ, FIX DMV and the Governor's Intergovernmental Relations Commission, in addition to serving as Chair of the Ozone Transport Commission and Vice Chair of the Environmental Council of the State's Compliance Committee. The New Jersey Conference of Mayors named Jackson the 2007 Cabinet Member of the Year.

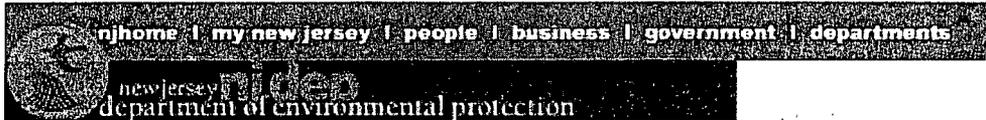
A native of New Orleans, Jackson earned a master's degree in chemical engineering from Princeton University. She is a summa cum laude graduate of Tulane University's School of Chemical Engineering.

Jackson resides in East Windsor. She is married to Kenny Jackson and is the proud mother of two wonderful sons, Marcus and Brian.

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- Toxic Catastrophe Prevention Act
- Release Prevention
- Quality Assurance

Water Quality

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- Watershed Permitting

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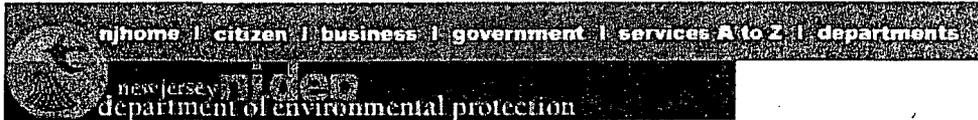
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Paul D. Baldauf, P. E.
Assistant Director

Radiological Health
Machine Source
Mammography
Section
Technologist
Certification

Important Information

**Rule Proposal on
Radiologic
Technology N.J.A.C.
7:28-19**

Environmental Radiation

Radioactive Materials
Radon
Radiological
Assessment
Nonionizing
Radiation Section

Welcome to the New Jersey DEP's Radiation Protection and Release Prevention Program's Web site! We are very excited to be able to provide you with a wide assortment of information about the program, our mission, projects and issues. In addition, our Web site enables you to download important documents such as the statutes and regulations we enforce.

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Metallurgical
Corporation
Information**

Nuclear Engineering

Nuclear
Environmental
Engineering
Nuclear Emergency
Preparedness
Nuclear Engineering

The Radiation Protection Program and Release Prevention has an important mission: protecting the citizens of New Jersey from unnecessary exposure to radiation and the release of hazardous substances. The Program staff takes tremendous pride in its many and diverse efforts to fulfill this mission. As assistant director of this nationally recognized and respected agency, I am extremely proud of our numerous accomplishments. We will continue to seek ways to improve our programs, procedures and technology for the benefit of New Jersey citizens.

Agreement State

**National Radon
Action Month**

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Release Prevention

Discharge Prevention
Program
Toxic Catastrophe
Prevention Act
Program
Security at Chemical
and Petroleum
Facilities

We always welcome your questions and comments concerning our efforts to protect the citizens of New Jersey and the environment. We also are interested in receiving your comments about the information provided on our Web site. Please contact us via the address and telephone numbers listed under "Contact Information" choose Program Organization.

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Agreement State

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Environmental Radiation

Radioactive Materials

Radon

Radiological
Assessment

Nonionizing
Radiation Section

On May 23, 2006, Governor Corzine signed the Letter of Intent for New Jersey to become an Agreement State under the U. S. Nuclear Regulatory Commission (NRC). The Atomic Energy Act authorizes the NRC to enter Agreements that transfer regulatory authority over certain materials to the States. The enactment of the Energy Policy Act of 2005 changed the definition of Atomic Energy Act material. NRC's authority was extended to include all of the radioactive material that was previously regulated by States. If Governor Corzine had not signed the Letter of Intent, the State's existing regulatory program for radioactive materials would be preempted and the NRC would take over regulation of the approximately 490 users of naturally occurring and accelerator produced radioactive materials. The Letter of Intent is a declaration by the Governor that the State is committing its resources to enter an Agreement.

The State's draft application has been sent to the NRC. They anticipate completing their review of the draft application by mid-November 2007, at which time they will provide their comments to New Jersey. Pending completion of the Agreement State application process, New Jersey's waiver from the NRC will remain in effect. During this period of time, the NRC will continue to regulate reactor grade byproduct material, source material and special nuclear material, while the State will continue to regulate NARM.

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Decomissioning Subchapter 12

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NRC Procedure SA-700 Processing an Agreement

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Questions Regarding New Jersey Seeking Agreement State Status

Submitted: 5/16/2006

By: Mary J. Dorman, NJHPS President

Contact Information: dormann@wyeth.com or 732-274-4478

1. In terms of the general steps involved, please describe the overall process the state's Radiation Protection Program would undergo to attain Agreement State status from the Nuclear Regulatory Commission (NRC). Include anticipated time frames, if possible.
 - The process of becoming an Agreement State begins with the "Letter of Intent" from the Governor, which notifies the NRC of the state's desire to become an NRC Agreement State. Governor Corzine signed the letter of intent on May 23, 2006. This letter of intent allows the state to start sending employees to NRC training on licensing procedures and inspection techniques. We will also need to adopt regulations that are compatible with NRC regulations. NRC regulations can be adopted by reference and fine tuned at a later date. Once our employees have been trained and have a radioactive materials program in place which includes similar licensing, inspection and response capabilities as the NRC, and new regulations adopted, the NRC will determine if the State's program is "adequate and compatible" with the NRC. Regulations must meet the NRC's compatibility criteria. The State's radioactive materials program must be adequately staffed and have resources to allow a "seamless" transfer for the licensees in New Jersey. Only when the State is prepared to take over the regulation of radioactive materials will the NRC sign the Agreement. The NRC's process for evaluating an Agreement State application can be found in State and Tribal Programs (STP) Procedure SA-700 (<http://www.hsrdoornl.gov/nrc/procedures/sa700.pdf>). We believe it will take approximately three to five years from May 23, 2006 for NRC to agree to discontinue its authority over radioactive materials and transfer the program to New Jersey.
2. If New Jersey becomes an Agreement State, what specific types of NRC Licensees would be affected and approximately how many of these licensees are currently in New Jersey?
 - The NRC currently licenses approximately 500 facilities in New Jersey and the New Jersey Department of Environmental Protection (DEP) also licenses approximately 500 facilities. Most of the NRC licensees also hold state licenses, so that the total number of regulated entities as a result of the overlap will be approximately 700. Examples of licensees are hospitals, universities, research facilities, pharmaceutical companies, industrial facilities using radiography sources, gas chromatographs,

gauging devices, and lead paint analyzers.

- Materials licenses that will remain with the NRC include any federal facilities and licenses that authorize the exempt distribution of consumer products.
- There are also many users of generally licensed devices. For instance, it is estimated that there are over 50,000 tritium exit signs in New Jersey.

3. What do you deem to be the primary benefit(s) that will be realized by those licensees currently with the U.S. NRC?

- Based on the feedback we received, many members of the regulated community favor regulation by the state rather than the federal government. New Jersey already has a comprehensive radiation protection program encompassing x-ray, naturally occurring radioactive materials, clean-up of radioactively contaminated sites, monitoring around nuclear power plants, emergency response to radiological incidents, and non-ionizing radiation. There are also requirements for licensure of people, radiological technologists, nuclear medicine technologists, radon testers and mitigators, and qualified medical physicists. If New Jersey becomes an Agreement State, members of the regulated community could come to one program for all regulatory issues. The NRC will continue to regulate the nuclear power plants.
- Significant savings could be realized by the regulated community. New Jersey facilities that use radioactive materials pay 30 percent more in licensing costs to the NRC for their licenses than they would if New Jersey were an Agreement State.
- DEP staff respond to all incidents of stray radioactive materials in the environment, with an average of 80 incidents a year. The NRC does not have the capability to respond to these incidents. In fact, the NRC has often requested that DEP respond for them or assist them in some capacity. Many Agreement States have a closer relationship with licensees than the NRC and find that providing compliance assistance or other programs which initiate more frequent contact means that licensees are more conscious of their role in keeping closer control of their radioactive sources. That results in fewer incidents that require emergency response. This is consistent with DEP's "pollution prevention" philosophy.
- A number of radioactively contaminated sites in New Jersey contain material regulated by the NRC (such as thorium), as well as material regulated by the state (such as radium). Two agencies oversee the cleanup

and have different requirements for ensuring that the site poses no hazard to the public. One-stop clean-ups would enhance efficiency.

4. Do you anticipate any differences or changes that may be realized by current NJDEP licensees during the process as the Radiation Protection Program seeks agreement state status?
 - During the Agreement State process, the NJDEP will continue its licensing and inspection program, as well as its ability to respond to radiological emergencies uninterrupted. The DEP does not anticipate any significant impact on licensees during the process.
 - As a consequence of the DEP's efforts to improve business practices, the entire radiation protection regulatory program is being added to the computer system known as New Jersey Environmental Management System or NJEMS. This will result in greater efficiency with regard to processing registrations, licenses, inspection reports, and enforcement actions.
5. By what percentage do you expect the New Jersey Radiation Protection Program will expand in terms of staffing and scope, during the phases of seeking Agreement State status and thereafter, as the NRC licensees are incorporated in the New Jersey Radiation Protection Program?
 - During the approximate 3 years it takes for the Agreement State process to be completed, it is anticipated that 3-5 additional professionals that will assist in materials licensing and inspections. As part of the Agreement State application process, we will perform a staff needs analysis to refine the number of staff needed for the Agreement State program.
6. In your opinion, what are the most significant challenges and opportunities facing the New Jersey Radiation Protection Program during the process of preparing for Agreement State status? Please discuss how these will be met.

Challenges:

- DEP would be the responsible for all radioactive materials, including those that have been regulated by the NRC. New Jersey would be accountable for any past or existing regulatory problems. We anticipate that adequate staffing will be hired and trained to support existing staff in resolving these issues.

Opportunities:

- New Jersey would be able to further develop our homeland security strategy for the nuclear sector to include a larger universe of potential threats. Security of radioactive materials is a prime concern in New Jersey. The marine terminal operations at Port Newark/Elizabeth have

become an additional concern since 9/11. The Energy Policy Act of 2005 set a uniform standard for security of all radioactive materials, making the United States eligible to sign the International Atomic Energy Agency's Code of Conduct and thereby facilitating import and export of radioactive materials between the United States and other parties to the Code of Conduct. Agreement State status will enable New Jersey to share information more readily with U.S. Customs and other federal agencies to investigate and alleviate potential threats at our ports.

- Governor Corzine has stated his vision for New Jersey as "invest, prosper, and grow." Agreement State offers several opportunities. First of all, New Jersey's strict regulatory climate has been singled out as a barrier to new investment. As an Agreement State, the radioactive materials regulations will be consistent with NRC, but the licensing fees will be 30% less. That is a benefit for business. Additionally, since the DEP already was the regulator for x-ray machines, accelerators, accelerator produced materials, radiologic technologists, nuclear medicine technologists, etc. adding the additional licenses for byproduct materials would make it a one-stop shop for all things radioactive in NJ. The regulatory infrastructure is already in place through the comprehensive computer system at DEP. Finally, through the Atlantic Compact, there is an agreement for long-term disposal of low-level radioactive waste, something that most other states will lack in a few years. Agreement State, properly implemented, can make New Jersey a magnet for industry that uses radioactive materials.

7. Please describe the training/preparation that will be made available for state inspectors so they will be skilled to address new radiation safety issues they may encounter with byproduct materials licensees.

- The NRC offers essential training courses concerning radiation protection, inspection, licensing and emergency response available free of charge to radiation protection personnel in states that have written a "Letter of Intent" to become an Agreement State. The available training is quite comprehensive, and includes courses in inspection procedures, licensing practices, root cause/incident investigation, transportation of radioactive materials, nuclear medicine, industrial radiography, teletherapy and brachytherapy, irradiators, air sampling, MARSSIM, MARLAP, etc. The NJ staff asked to be admitted to these courses before the letter of intent was signed, but was told that it was only open to state staff who have a signed letter of intent. This was one of the driving forces to get the letter signed, so that staff can benefit from this training.
- In addition, the DEP inspectors have real life experiences responding to actual emergencies and, as a result, have experience with a broad range of radioactive materials and health physics practices. They are currently

responsible for the licensing and inspection of state licensees and have also been the primary responders to radiological emergencies occurring in the state, whether the materials involved were state licensed or NRC licensed.

- DEP inspectors have accompanied NRC inspectors and will have the opportunity to continue accompanying and observing NRC inspectors during routine and reactive inspections of NJ licensees. As the Agreement State process progresses, DEP staff will work closely with NRC license reviewers in Region I to understand the NRC's licensing process.
 - New staff should come in to the program with the education and experience which will make it easy for them to achieve competency in radiation regulation. Starting salaries in NJ are higher than in many other Agreement States. The requirements for a radiation physicist 3, the lowest level title in the series which would be relevant to the radioactive materials section are:
 - Graduation from an accredited college or university with a Bachelor's degree in Engineering, Mathematics, or in one of the physical, biological, natural, or environmental sciences.
 - Two years of experience in the field of radiological health.
8. Fees received from New Jersey licensees for applications, inspections, registrations, etc., go to the New Jersey Treasury. Please describe how the Radiation Protection Program is funded?
- The Radiation Protection Program receives funding from several sources. There is an annual appropriation from the New Jersey Treasury General Fund as well as grants from the federal government. The Bureau of Nuclear Engineering is funded by the Nuclear Emergency Response Fund, through an assessment to the owners of nuclear power plants in New Jersey. Specific work that the radiation protection staff does to support site clean-ups, air permits, water or wastewater investigations is charged appropriately to those sources. There is a small agreement with the University of Medicine and Dentistry of New Jersey, School of Public Health, for work related to training of health officials and first responders. The NJ Health Physics Society is a participant in some of those activities. These activities are not funded through the general appropriation (and therefore not funded through fee revenue), so without the agreement with UMDNJ, our participation would not be possible.
9. Concerns regarding funding this endeavor also appear from individuals on a more personal, "citizen-perspective". During Governor Corzine's address to the state

regarding the budget, he made it clear there is a deficit in the budget and a need for tax increases is likely. What budgetary increases are anticipated for the process of seeking Agreement State status and thereafter if achieved, as compared to the current Radiation Protection Program budget? How might this impact the overall state budget?

- During the approximately 3 years it takes to become an Agreement State, we anticipate a budgetary increase will be necessary, or resources will have to be shifted from lower priority programs. This would cover the anticipated costs of additional personnel, training and travel. Because of the additional funding available through homeland security grants, additional vehicles and equipment have been obtained. Through the DEP-wide initiative to improve business practices, the data records system for licenses, inspections and enforcement have been developed, and the radioactive materials section will be an active user of that system by January 1, 2007.
- Once agreement state status is complete, the annual licensing fees received from the regulated community will cover the increased costs and not impact the state budget significantly. The fees would go to the General Treasury, and funding would be appropriated to the General Radiation account in an equal amount to cover the personnel and operating costs of the program. The difference would be that the fees for the radioactive materials licensees would be about 30% less than the NRC would charge.

10. Interestingly enough, the NJHPS is presently taking a retrospective look at the chapter's activities since its inception in 1971. A chapter meeting held during the mid-1970's discussed New Jersey seeking Agreement State status. Can you provide insight as to what actions have been taken in the past regarding this topic. Why has this surfaced again and what are your thoughts on why now might be the right time?

- Consideration for New Jersey to become an Agreement State has been on the table for at least 15 years. This was the result of interest by many members of the regulated community, as well as organizations such as the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM). In September 1994, both the ACNP and the SNM petitioned the DEP at that time to "strongly dissuade" the NRC from adopting its proposed policies concerning Agreement States and those states considering the possibility of becoming Agreement States (59 Federal Register 37269; 59 Federal Register 40058). Both organizations felt that these policies were an attempt by the NRC to hold onto existing licensees and take back Agreement State licensees. It was felt that the NRC was attempting to

“take total oversight authority over licensees and eliminate the ability for states to operate as co-regulators with the NRC.” It was believed that the policies would “increase the number of licensees that the NRC regulates which will increase the user fees that the NRC is able to collect and threaten the continuation of accessible Nuclear Medicine services” in our state.

- Given the Governor’s interest in domestic security for chemical and radioactive facilities, clean-up of sites contaminated with large amounts of radioactive waste, and limiting costs to businesses operating in New Jersey, Agreement State status is a logical step.
- The NRC charges fees to its licensees to support not only the radioactive materials program, but the research program, regulatory development program, training program, etc. Although the NRC receives approximately 10% of its budget from the general treasury to offset program areas such as international programs and STP, NRC fees have increased substantially in recent years as more and more states are becoming agreement states, and fewer and fewer licensees are left. It will be economically advantageous for all licensees when New Jersey becomes an Agreement State.
- With the passage of the Energy Policy Act of 2005, NJ could lose our current regulatory authority for NARM radioactive materials.

11. If New Jersey does not seek Agreement State status, what is the Radiation Protection Program’s anticipated involvement when the NRC begins active regulatory responsibility of accelerator produced radionuclides?

- With the enactment of the Energy Policy Act of 2005 (EPAct), the State’s existing regulatory program for radioactive materials would be preempted and the NRC would take over regulation of the approximately 500 users of naturally occurring and accelerator produced radioactive material.
- Diffuse sources of naturally occurring radioactive material, Technically Enhanced Naturally Occurring Radioactive Material (TENORM), and certain activation products that result from accelerator use (e.g. targets, shielding, etc.) are not included in the EPAct and would need to be regulated by the state.
- The NRC would now be required to handle all DOT exemption requests/responses/investigations previously handled by the state.
- As liaison to the Domestic Security Preparedness Task Force for the nuclear sector, the DEP may find itself in a difficult position to adequately

fulfill its various outreach, compliance and monitoring responsibilities if our regulatory authority is preempted by NRC.

12. Please describe the process of generating and amending New Jersey Radiation Protection Program regulations. Specifically, when new NRC regulations are published, how will the state ensure timely incorporation of NRC updates? Can you speak about the process, rationale or guidelines New Jersey will employ as it adopts NRC regulations? What would drive more restrictive limits or regulations?

- When NRC undertakes rulemaking in the radioactive materials area, they not only promulgate a rule (with rule proposal, response to comment, and final rule published in the Federal Register), but they also publish how compatible they expect the Agreement State's rules to be. In areas of strict compatibility (Compatibility Categories A and B), the Agreement State's rules must be exactly the same as the NRC (i.e. "essentially identical"). In areas where variability is warranted the NRC allows states more flexibility (Compatibility Categories C and Health and Safety or H&S). These categories allow the State to have more restrictive requirements as long as the State meets the "essential objective" of the regulation. An example of NRC regulation that has a compatibility category of C is the dose limit for the license termination rule (LTR). The NRC limit for the LTR is 25 mrem per year. DEP's equivalent to LTR is 15 mrem per year and has been determined to be compatible with the NRC regulation. Although all issues involved with rulemaking must be discussed with the Attorney General's office as well as the Office of Administrative Law, and the DEP's Office of Legal Affairs, it would seem logical that for rules involving strict compatibility, adoption by reference would be the easiest way for NJ to have rules in place quickly following NRC's adoption.
- To discuss the specifics regarding the process, rationale, or guidelines New Jersey plans on utilizing as it adopts NRC regulation at this stage of the game would be premature. However, as stated in the response to question #3, New Jersey already has a comprehensive radiation protection program. The same effort and process that was put into establishing such a program will continue to be utilized during the Agreement State process.
- The driving force for more restrictive limits or regulations is usually based on how best to protect the citizens and workers of New Jersey from unnecessary radiation exposures. Sometimes New Jersey's legislature steps in to define how standards may be set. In the case of New Jersey's clean-up standards, the Industrial Site Recovery Act had strict requirements for choosing a standard. New Jersey regulations have to adhere to New Jersey Legislative mandates. At the same time, the whole idea of becoming an "Agreement" state is to have regulations that

are largely the same and compatible with the NRC regulations. Adopting regulations by reference is one way to ensure that the regulations are consistent. (Jill: in light of the example I used above, does DEP plan to adopt the LTR by reference or continue to use its existing regulation?)

13. Will the NRC have oversight of the radioactive materials program in New Jersey?

- Although the NRC discontinues its authority when the Agreement is signed, it still maintains an oversight responsibility as long as the Agreement is in place. The NRC requires Agreement States to be remain "adequate and compatible" and reviews each agreement state program against a set of performance criteria that considers the State's program in the areas of inspection, licensing and incident response, allegations, staffing and training and compatibility requirements (i.e., regulations). The same set of performance criteria used to review an Agreement State is also used to review an NRC regional program. These reviews take place approximately once every four years. Details of the NRC's review program "Integrated Materials Performance Evaluation Program" or IMPEP can be found at the STP website (<http://www.hsrdo.org/nrc/procedures/sa100.pdf>). If during an IMPEP review a State's performance is found to be less than adequate and compatible, the NRC requires the State to take action to improve its performance. The NRC has not hesitated to place an Agreement State program under a closely monitored program to ensure that improvements are made. If a State does not improve its performance and the NRC determines that the State is not protecting the health and safety of its citizens, the NRC has the statutory authority to reassert its authority.

Radiological Health**Legal Actions related to Shieldalloy Metallurgical Corporation**

Machine Source

Mammography
SectionTechnologist
Certification

Shieldalloy Metallurgical Corporation (SMC) of Newfield, NJ is a Nuclear Regulatory Commission (NRC) licensee. SMC has submitted a decommissioning plan to the NRC which requests amending their current license to a long term control (LTC) license. A LTC license is a license that would allow SMC to leave their radiologically contaminated slag in place, under an engineered barrier in perpetuity. The NJ Department of Environmental Protection has taken the following legal actions to try to prevent the NRC from issuing this LTC license.

**Environmental
Radiation**

Radioactive Materials

12/22/06 Filed Petition for Rulemaking on NUREG-1757 with the NRC

Radon

Radiological
Assessment

1/5/07 NRC advised that NRC is in process of evaluating petition for rulemaking

Nonionizing
Radiation Section

12/22/06 Filed Request for a Hearing on the Petition for Rulemaking on NUREG-1757 and Stay on review of SMC DP with the NRC

**Nuclear
Engineering**

1/12/07 NRC Denied Request for a Hearing on NUREG-1757 and Stay

Nuclear
Environmental
Engineering

12/22/06 Filed Petition for Review of NRC's Determination to Finalize NUREG-1757 to the Third Circuit Court of Appeals

Nuclear Emergency
Preparedness

1/31/07 NRC filed motion to dismiss

Nuclear Engineering

2/22/07 NJ filed Opposition to the motion to dismiss

Release PreventionToxic Catastrophe
Prevention Act
Program

2/26/07 NRC asked for extension until March 20 to reply to our opposition

Discharge Prevention
Program

2/26/07 Re-filed Petition for Review of NRC's Determination to Finalize NUREG-1757 to the Third Circuit Court in case original filing was too early

Security at Chemical
and Petroleum
Facilities

1/16/07 Filed Hearing Request on Shieldalloy's Decommissioning Plan

2/12/07 NRC Staff Response to Request for a Hearing.
Recommended Accepting 8 out of 17 contentionsBack to Radiation
Main Page

2/12/07 Shieldalloy's Answer to Petition for Hearing

Outside Links

Educational Links

2/27/07 Filed DEP's Reply to the Response of NRC Staff

Government Links

2/27/07 Filed DEP's Reply to the Answer of Shieldalloy

Professional Links

3/2/07 NRC Staff's Motion for Leave to Respond to NJDEP's Reply Briefs

3/2/07 Shieldalloy's Answer to NRC Motion for Leave to Respond

3/5/07 Licensing Board Response

3/28/07 Atomic Safety and Licenseing Board Memorandum and Order (Ruling on Hearing Requests)

July 3, 2007 Brief on Behalf of Petitioner, State of New Jersey

August 24, 2007 Brief of Intervenor Respondent Shieldalloy Metallurgical Corporation

August 27, 2007 Brief for the Federal Respondents (NRC)

September 17, 2007 New Jersey reply brief

Any questions related to the technical aspects of these proceedings should be directed to Jenny Goodman at (609) 984-5498.

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Outside of Scope

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