

# AGENDA

## Briefing – New Jersey Agreement Application April 9, 2009

### Purpose

1. Briefing on Commission paper for New Jersey Agreement Application

### Background

1. Review Process
2. Team Composition

### Discussion

1. Commission Paper
2. Status/Schedule
3. Effective date
4. Issues Marty may raise

### Questions

M/36

# AGENDA

## Briefing – New Jersey Agreement Application April 9, 2009

### Purpose

Briefing on Commission paper for New Jersey Agreement Application and pre-brief prior to meeting with Marty

### Background

1. New Jersey submitted it's final application by letter dated October 16, 2009, from Governor Corzine
2. The review team consisted of representatives from FSME/DWMEP and MSSA; RI; OGC; NSIR
3. Review followed procedures in SA-700, "Processing an Agreement," and references therein, such as Management Directives and internal procedures, as well Commission policy statements on criteria -
  - a. Criteria for Guidance of States And NRC in Discontinuance of NRC Regulatory Authority and Assumption Therefore by States Through Agreement
4. Based on the team review, no substantial deficiencies were identified

### Discussion

1. 1<sup>st</sup> Commission paper
  - a. This SECY is the 1st of two – requesting Commission approval to publish FRN and draft Staff Assessment for public comment
    - i. This follows the same format as for PA and VA
    - ii. Criteria from the Criteria Policy are addressed – related to regulatory requirements, staffing, training/qualifications, etc.
  - b. Status/Schedule
    - i. Due to Front Office this week – 4/8/09
    - ii. Due to Marty Virgilio April 15, 2009
    - iii. Briefing to Marty on 4/13/09 – 1:00 p.m.
    - iv. Paper due to EDO 4/15/09
    - v. Paper due to Commission 4/22/09
  - c. Final Commission paper will address issues such as public comments, transfer of licenses, actions pending against licensees to be transferred, status of decommissioning sites
  - d. Staff working to an effective date of no later than 9/30/09
    - i. NJ original request was earlier if possible due to NARM waiver expiration
2. Need expedited review for notification in the *Federal Register* mid-May if at all possible
  - a. Based on when we get an SRM, we've planned the first publication mid-May
  - b. Depending on original publication – comment period would end mid-June

- c. Staff has added information for the expedited review in the Periodic Materials for meetings with Commissioners and with Marty
3. Urgency of an effective date of no later than 9/30/09.
- a. Impact if Agreement not in place
    - i. NARM waiver expires August 7, 2009
      - (1) About a 7 week period before Agreement
      - (2) Any further delay affects efficiency and impact on licensees, NRC and NJ staff
    - ii. Fees – NRC will issue fees for FY 2010, beginning October 1, 2009; we prorate only on 6 month window
      - (1) Licensees would also face NJ fees
    - iii. Shieldalloy decommissioning plan – with each delay impact on NRC resources and Shieldalloy resources
      - (1) DWMEP staff informed us that a revised decommissioning plan expected in August/September 2009 – will take about 6-9 months to review
    - iv. NRC's FY 2010 budget does not include resources for regulating NJ licensees
4. Issues Marty may raise
- a. Alison said Marty wanted to ensure certain concerns were addressed – NJ going beyond normal involvement, and possibly beyond their rights.
  - b. Concern appears to be related to reactor programs – State of Minnesota had tried to pass legislation putting requirements on reactor facilities where they didn't have the authority (NRC pre-emption)
    - i. NJ does have a 274i agreement to accompany NRC inspectors on inspections at reactor
    - ii. Apparently, NJ takes full opportunity of the agreement – wanting to look at engineering designs and do independent evaluations.
    - iii. They have not been taking on a regulatory role – trying to apply NJ regulations for example
  - c. Shieldalloy
    - i. NJ will not allow restricted release and will require Shieldalloy to remove material off-site
    - ii. NJ has taken action as an interested stakeholder, within the legal avenues that they have available to them.
  - d. The staff is aware of potential furloughs of State employees in NJ. The NJ staff has a plan for addressing emergencies during the furloughs; therefore, this issue will not have any impact on the processing of the Agreement application package.