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## ENCLOSURE 8

### DRAFT FEDERAL REGISTER NOTICE OF AGREEMENT SIGNING

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**U. S. Nuclear Regulatory Commission**

State of New Jersey: Discontinuance of Certain Commission Regulatory Authority Within the State; Notice of Agreement Between the NRC and the State of New Jersey

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of Agreement between the U.S. Nuclear Regulatory Commission and the State of New Jersey.

**SUMMARY:** This notice is announcing that on [TBD - signature date], Gregory B. Jaczko, Chairman of the U.S. Nuclear Regulatory Commission (NRC or Commission), and Governor Jon S. Corzine, of the State of New Jersey, signed an Agreement as authorized by Section 274b of the Atomic Energy Act of 1954, as amended (the Act). The Agreement provides for the Commission to discontinue its regulatory authority and for New Jersey to assume regulatory authority over the possession and use of byproduct material as defined in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act, source material, special nuclear materials (in quantities not sufficient to form a critical mass), and [insert land disposal language]. Under the Agreement, a person in New Jersey possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the Federal Register (FR) and are codified in the Commission's regulations as 10 CFR Part 150. The Agreement is published here as required by Section 274e of the Act.

*Jon [TBD - signature date]*

*the regulation of land disposal of byproduct source, or special nuclear material waste received from other persons.*

**~~NOTICE OF WAIVER TERMINATION:~~** ~~On March 31, 2009, the Commission terminated the time-limited waivers of the Energy Policy Act of 2005 requirements granted by the Commission (70 FR 51581; August 31, 2005) to Virginia for byproduct material as defined in Sections~~

11e.(3), and 11e.(4) of the Act.

**FOR FURTHER INFORMATION CONTACT:** Torre Taylor, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-7900; e-mail: [torre.taylor@nrc.gov](mailto:torre.taylor@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC published the draft Agreement in the *FR* for comment once each week for 4 consecutive weeks on May 27, 2009 (74 FR 25283), June 3, 2009 (74 FR 26739), June 10, 2009 (74 FR 27572), and June 17, 2009 (74 FR ~~insert page number~~ <sup>28728</sup>), as required by the Act. The comment period ended on June 26, 2009. The Commission received ~~insert number~~ <sup>five</sup> comment letters. ~~insert per NJ~~ The comments ~~did~~ **did not** affect the NRC staff's assessment, which finds that the New Jersey Agreement State program is adequate to protect public health and safety and compatible with the NRC's program. The proposed New Jersey Agreement is consistent with Commission policy and thus meets the criteria for an Agreement with the Commission.

After considering the request for an Agreement by the Governor of New Jersey, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the New Jersey ~~insert dept name~~ <sup>Department of Environmental Protection</sup> Department of Health, the NRC staff completed an assessment of the New Jersey program. The agency made a copy of the staff assessment available in the NRC's Public Document Room (PDR) and electronically on NRC's Web site. Based on the staff's assessment, the Commission determined on ~~TBD-Date of SRM~~ that the proposed New Jersey program for control of radiation hazards is adequate to protect public health and safety, and compatible with the Commission's program. ~~agreement is attachment;~~

~~don't see language here~~ (see last line of Summary.)

Documents may be examined, and/or copied for a fee, at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Documents referred to in this notice and other publicly available documents are available electronically at the NRC's Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2009.

For the Nuclear Regulatory Commission.

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Annette L. Vietti-Cook,  
Secretary of the Commission

**Replace with NJ agreement**