

Dennis Sollenberger

From: Donna Janda - R1
Sent: Wednesday, January 21, 2009 4:45 PM
To: Torre Taylor; Dennis Sollenberger
Cc: Sandra Gabriel
Subject: FW: Comments on New Jersey Agreement Request

See below for Sandy Gabriel's comments on the New Jersey Agreement State application. My comments will follow tomorrow.

Thanks,
Donna

From: Sandra Gabriel
Sent: Wednesday, January 21, 2009 11:52 AM
To: Donna Janda
Subject: Comments on New Jersey Agreement Request

Here are my comments. If appropriate, please feel free to forward this e-mail. Thank you.

NJ DEP resolution of NRC comments from 1/11/08:

The issues regarding licensing elements appear to be resolved, except for the following (note: The numbering of NJDEP procedures appears to be somewhat different in draft vs final: requests. procedures that began with 2 the draft request now appear to begin with 3. As a result, some of the "State Responses" reference outdated procedure numbers.)

Item #14: See comments under "Instructions for Completing Initial Application," below. (formerly called "Licensing Guidance"?)

Item #21: NJ response states that NJDEP views all information concerning radioactive material licensees' activities as a domestic security issue, therefore it is exempted from OPRA requirements to provide information to the public and there is no need for a procedure regarding withholding of information. The response does not address whether NJ will mark outgoing documents, such as licenses and correspondence, to indicate that they are security-related and not to be released to the public.

Item #27: References to NRC regulations in the "State Response" for this item are not fully correct, but appear to be corrected in the "Instructions for Completing Initial Application." [note the typo in the first NJAC reference in this section of the "Instructions.....;" should be N.J.A.C. 7:28-52.1]

"Instructions for Completing Initial Application"

It is still unclear whether licensees are to follow the instructions in this document or the NUREG-1556 guidance, or both. In some cases the instructions conflict with the NUREG-1556 guidance. Will NJDEP accept use of the checklists in the NUREG-1556 volumes? [these are designed for use by both licensees and license reviewers]

In addition, NUREG-1556, Vol. 9, Rev. 1 has been superceded by Rev. 2; the reference and the link to the NRC website should be updated. Will NJDEP accept use of the Form 313A series and guidance, for medical use licensees to submit qualifications for proposed authorized individuals? If so, it might be helpful to state this

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and provide the link(s) to the NRC website. Also, NUREG-1556, Vol. 13 has been superceded by Rev. 1; the reference and link to the NRC website should be updated.

Page 2 instructs applicants not to submit copies of NRC or NJDEP licenses. While NJDEP will certainly have access to copies of its own licenses, there are likely to be many situations in which it is most expeditious for applicants to include copies of NRC licenses in order to verify previous authorizations of authorized individuals.

BER 3.01, Att 2, Comments after Pilot Rev 6

This is not pertinent as a procedure (it presents the response of the Pre-Licensing Working Group to Agreement State comments during the pilot) and may be removed.

BER 3.04 and 3.07: Time frames for completion of review of licensing actions

Time frames for completion of review of licensing actions appear to differ in BER 3.04, section 3.1 (90 days for completion of licensing action, with deficiencies issued by day 45) and BER 3.07, section 3.0C, which says the objective is to issue licensing actions within 45 days and deficiency letters within 30 days (with clock re-starting after receipt of response).

Technical Staffing and Training, Formal Qualification Plan:

Medical Qualification Journal references to program code 2100 should be corrected to 2110 for medical institution, broad.

The submitted qualification journals for current staff appear to list certain accompaniments with NJ inspectors as fulfilling training requirements. Not sure this should be considered acceptable for complex programs, without consideration for the NRC-licensed aspects of the program? For example, a medical broad license accompaniment is listed for one individual (Jack Tway), when this licensee does not hold an NRC medical broad license.

Comments on NJ Application Section 4.7

The following event response procedures (from 4.7.1.2) appear to be missing from application:

- notifications of licensing staff
- notifications to other affected licensees of generic problems

Additionally, the following guidance should be added to the application.

- Response to radioactive material incidents that do not require activation of the incident response plan. Specifically guidance regarding the need for a reactive/special inspection should be developed.
- Follow-up actions and action levels for radiation exposures associated with materials incidents involving members of the public
- Requesting Emergency Acceptance of Radioactive Material by the U.S. Department of Energy (DOE)
- Response to Transportation Accidents Involving Radioactive Materials

MC 2800 references the use of Management Directive 8.10, "NRC Medical Event Assessment Program." Does NJ have a medical consultant program?