

**Sollenberger, Dennis**

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**From:** Torre Taylor -*RME*  
**Sent:** Monday, March 09, 2009 9:40 AM  
**To:** Donna Janda; Sandra Gabriel  
**Cc:** Dennis Sollenberger  
**Subject:** FW: Response to NRC Comments  
**Attachments:** Matrix.doc; NJRAD Form 241.doc; Appendix B Sample Letters for Licensing SOP.doc; BER 3.01 Att 2 - RSRM Chklist&Guidance Rev 10 wNLO 9-16-08.doc; BER 3.01 Attachment 2 cover.doc; BER 3.01 Attachment 3.doc; BER 3.01 Review of License Application or Amendment Request.doc; BER 3.02 Review Application for Renewal of Specific License.doc; BER 3.07 Licensing Administrative Procedure.doc; BER 7.04 Requesting Emergency Acceptance of Radioactive Material by the DOE.doc; BER 7.05 Guidance on Reactive or Special Inspections.doc; BER 7.06 Follow-up actions and action levels for radiation exposures involving members of the public.doc; BER ORG CHART.ppt; Inspection Manual MC2800 Materials Inspection Program.doc; Inspection Procedure 87132 Brachytherapy.doc; Instructions for completing initial application.doc; Introduction 4.3.1 final.doc; Introduction 4.6.1.doc; Introduction 4.7.1.doc

**Importance:** High

I'm forwarding you NJ's response to our team comments; I got them Friday afternoon. I have not looked through them yet against the team comments. However, you each had comments that should be checked - mostly for things where procedures were missing. We didn't ask them to provide updates to NUREG references and such.

I sent this to Gary Purdy as well for his area of review.

Please look at this and let me know if this addresses your original comment. I'll be looking at this today as well. If we need to have a quick meeting tomorrow/Wed., that's fine too. I'm really trying to get everything finalized so we can start concurrence.

thanks - Torre

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

**From:** Jenny Goodman [mailto:Jenny.Goodman@dep.state.nj.us]  
**Sent:** Friday, March 06, 2009 12:22 PM  
**To:** Dennis Sollenberger; Torre Taylor  
**Cc:** Patricia Gardner  
**Subject:** Response to NRC Comments

Torre,  
We have addressed your comments in a matrix (attached). The other files contain all the corrections and additions. Let us know if you have any questions. There should be 19 files attached.  
Jenny

*0/7*

## **APPENDIX B**

### **Sample Letters**

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## Attachment 1: Sample Letter - Request for additional information

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: New Jersey Radioactive Materials License Application/Amendment Request  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

The Bureau is in receipt of your <<*application / amendment request / Decommissioning Plan*>> dated <<*DATE*>>. In addition to the items already submitted, please provide the following:

1. <<*Item 1 - DESCRIBE THE DEFICIENCY AND INCLUDE A CLEAR STATEMENT SPECIFYING THE INFORMATION NEEDED*>>
2. <<*Item 2*>>
3. <<*Item 3*>>
4. <<*Item 4*>>

To continue review of your submission, we request that you respond in writing within 30 calendar days from the date of this letter. To expedite processing, please reference the program interest and activity identification numbers listed in the subject line above. Official correspondence regarding your New Jersey Radioactive Materials Licenses must be signed by the administrator or Radiation Safety Officer and submitted by fax or mail to our office.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462.

Sincerely,  
[INSERT NAME]  
Radioactive Materials Section

**Attachment 2: Sample letter - Denial due to insufficient information**

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: New Jersey Radioactive Materials License Application/Amendment Request  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

This letter shall serve as notification that the Department has **denied** your amendment request dated <<DATE>> due to insufficient information. Correspondences were sent from this office dated <<DATE>> and <<DATE>> requesting additional information. No response to either of these letters has been received. Therefore, in accordance with N.J.A.C. 7:28-1 et seq., the New Jersey Radiation Protection code, your request has been terminated. No response to this notification is necessary.

Should you have any questions, I can be reached at (609) 984-5480.

Sincerely,  
[INSERT NAME]  
Radioactive Materials Section

### Attachment 3: Cover Letter for Licensing Actions except Terminations

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: New Jersey Radioactive Materials License [INSERT APPROPRIATE  
DESCRIPTIVE TEXT - NEW LICENSE, LICENSE AMENDMENT, LICENSE  
RENEWAL]  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

Enclosed is New Jersey State Radioactive Materials License [INSERT LICENSE #] issued in response to your **application/amendment request** for a radioactive materials license authorizing the use of specific radioactive materials in the State of New Jersey.

This license contains conditions affecting the use of these radioactive materials. Please review each license condition. Although the Bureau has made a determination that your use of radioactive material will not constitute a hazard to health and safety, it is the licensee's responsibility to maintain compliance with NJAC 7:28-1 et seq. the New Jersey Radiation Protection Code. You should review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please contact the Radioactive Materials Section.

**[THE FOLLOWING DISCUSSION MAY BE OMITTED FOR AMENDMENTS:]**

NJDEP expects licensees to conduct their programs with meticulous attention to detail and high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NJDEP requirements, you must conduct your radiation safety program according to the condition of your NJDEP license, representations made in your license application, and NJDEP regulations. In particular, note that you must:

1. Operate in accordance with New Jersey Administrative Code Title 7, Department of Environmental Protection, Chapter 28, Radiation Protection Programs (NJAC 7:28) regulations and NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspections and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

2. Notify NJDEP in writing of any change in mailing address.
3. In accordance with N.J.A.C. 7:28-51.1, notify NJDEP, promptly, in writing, and request termination of the license:
  - a. When you decide to terminate all activities involving materials authorized under the license; or
  - b. If you decide not to acquire or possess and use authorized material.
4. Request and obtain a license amendment before implementing changes to the license.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NJDEP regulations.

In addition, please note that BER Form 100 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application must be the licensee or certifying official rather than a consultant.

You will be periodically inspected by NJDEP. Failure to conduct your program in accordance with NJDEP regulations, license conditions, and representations made in your license application and supplemental correspondence with NJDEP may result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying, or revoking your license as specified in N.J.A.C. 7:28-4.16.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462. Thank you for your cooperation.

Sincerely,

[INSERT NAME]  
Radioactive Materials Section

Enclosure: As stated

**Attachment 4: Temporary Exemption from DEP Regulation or License Condition**

Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: TEMPORARY EXEMPTION TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) [REGULATION OR LIST THE SPECIFIC LICENSE CONDITION(S)]

Program Interest ID #: [INSERT #]

Activity ID #: [INSERT #]

[INSERT SALUTATION]:

Pursuant to the written request dated [date of request] for temporary exemption(s) from the requirements of [NJDEP regulation or license condition] by [name and position of requestor representing the licensee], based on the recommendation of the Commission on Radiation Protection, I am granting your petition for exemption as described below as per N.J.A.C. 7:28-2.8:

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[Each temporary exemption granted should be listed separately with documentation of the circumstances surrounding the request and the duration of time for that the exemption is granted.]

Deleted: the following temporary exemption(s) is (are) granted by the Department with the approval of the Commission on Radiation Protection for the specified period of time

If your understanding of the above temporary exemption differs from that set forth above, you are to contact the Radioactive Materials Section immediately, at 609-984-5462.

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Sincerely,

[INSERT NAME], Commissioner  
Department of Environmental Protection

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## Attachment 5: Sample Letter for Expired License

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

**SUBJECT: IMPORTANT NOTICE OF LICENSE EXPIRATION**

Program Interest ID #: [INSERT #]

Activity ID #: [INSERT #]

Expiration Date: [INSERT DATE]

[INSERT SALUTATION]:

Our records indicate that your New Jersey State Radioactive Materials License has expired on the date shown above. A letter was sent [DATE] (copy enclosed) informing you that your license would expire in 180 days and requesting a timely renewal application within 30 days. As of the date of this letter, no renewal application has been filed in accordance with NJAC 7:28-50.

It is our understanding that you still possess material that requires a specific department license. Your possession of such material without a current license is a violation of NJAC 7:28-50. You must place your radioactive material in secure storage until such time as you acquire a valid department Radioactive Material License. No use of radioactive material or purchase of additional radioactive material is authorized.

If you currently possess licensed material but have decided not to continue your program, you must immediately do the following in order to comply with NJAC 7:28-50:

1. Transfer all radioactive material formerly authorized by the expired license. Transfer must comply with the requirements of NJAC 7:28-50. Before transferring any radioactive material, you must verify that the recipient's license authorizes the receipt of the isotope(s), type, form, and quantity of radioactive material that is to be transferred.
2. Send copies of the transfer records, a completed copy of form NJRAD-314 "Request for Termination of Specific License and Disposition of Radioactive Material", and a separate written request for termination of the license to this office within 15 days of the date of this letter, so we can close our files on the expired license.

If you do not possess licensed materials and do not desire to continue your program, you must submit copies of records documenting transfer or disposal of the material, a completed Form

NJRAD-314 "Request for Termination of Specific License and Disposition of Radioactive Material" (copy attached), and a letter confirming your decision.

Enclosed is regulatory guidance which you should utilize in preparing the application. Be advised that the guidance may not correspond to the current rule and that the rule takes precedence. Also, for your information, the Department has guidance available on the following website: <http://www.nj.gov/dep/rpp/rms/index.htm>

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462. Thank you for your cooperation.

Sincerely,

William P. Csaszar, Supervisor  
Radioactive Materials Section

Enclosure: As stated

## Attachment 6: Sample Renewal Letter for 90 day Notification

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

**SUBJECT: IMPORTANT NOTICE OF LICENSE EXPIRATION**

Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]  
Expiration Date: [INSERT DATE]

[INSERT SALUTATION]:

Your NJDEP Radioactive Materials License No. [INSERT LICENSE #] will expire on [INSERT EXPIRATION DATE]. If you wish to renew your license, please submit a complete new application on Form NJRAD-313, "Application for Radioactive Material License" with all required attachments. It is not acceptable to reference any information or documents that have been previously submitted under previous application or renewal requests.

For guidance in preparing this application, Regulatory Guide NUREG 1556 (all Volumes) can be found on the US Nuclear Regulatory Commission website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/> Please be aware that you must use the Volume which corresponds to your particular situation.

Please submit all renewal and amendment request to the following address:

Radioactive Materials Section  
Bureau of Environmental Radiation  
NJ Department of Environmental Protection  
PO Box 415  
Trenton, NJ 08625-0415

If your renewal application is submitted at least 30 days before the license expiration date, your license will remain in effect until the application has been finally determined by the Bureau of Environmental Radiation.

However, if your renewal application cannot be filed before the expiration date, you should contact NJDEP immediately to see if you can obtain a temporary extension of the expiration

date. Without NJDEP approval of that extension request, your license expires on the expiration date stated on the license. If your license expires, you no longer have a valid license, but you are required to maintain all licensed materials in safe, locked storage until your application for a license or request for termination is submitted and approved. Use of the licensed material after the expiration of your license may subject you to criminal and/or civil enforcement.

If you do not wish to renew your license, you must dispose of or transfer all licensed radioactive material in your possession in an authorized manner (see the appropriate requirements in NJAC 7:28-51.1, 58.1, or 60.1); then complete the enclosed NJRAD Form 314, "Certificate of Disposition of Materials," and return it before the expiration date of your license, with a request that your license be terminated. If you cannot dispose of or transfer all licensed radioactive material in your license before the expiration date, you must request a license renewal, for storage only, of the radioactive material, to avoid enforcement action for violations involving the possession of licensable material without a valid license. Enforcement action may include a substantial monetary civil penalty that could also include daily civil penalties until you achieve compliance.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462. Thank you for your cooperation.

Sincerely,  
[Name], Supervisor  
Radioactive Material Section

**Attachment 7: Receipt of Renewal Application – Timely Filed**

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609) -633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: Acknowledgement of Timely Renewal  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

This acknowledges receipt of your application for renewal of New Jersey Radioactive Material License No. [INSERT LICENSE #]. In accordance with NJAC 7:28-50 your existing license shall not expire until the application has been fully determined by this office.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462. Thank you for your cooperation.

Sincerely,

[NAME], Supervisor  
Radioactive Materials Program

## Attachment 8: Sample Letter for Termination of a Specific License

Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: Notice of License Termination  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

The Bureau has received your documentation on the disposition of your radioactive materials including the following:

- <list submissions i.e. as decommissioning plan, responses to RAIs, final status survey, etc.>

The Bureau has determined that <Company> has complied with all the requirements for license termination in accordance with N.J.A.C. 7:28-12.1 et seq. Therefore, as of <date>, your New Jersey State Radioactive Materials License <<INSERT #>> is hereby terminated.

Although your license is terminated, it does not relieve you of the responsibility of consequences which might arise as the result of activities not covered under this license. In addition, it is your responsibility to determine if the Industrial Site Recovery Act (ISRA) applies to your facility, if you have not already done so. Instructions on determining applicability are on the New Jersey Department of Environmental Protection Agency's (NJDEP) website at [http://www.nj.gov/dep/srp/isra/isra\\_applicability.htm](http://www.nj.gov/dep/srp/isra/isra_applicability.htm). Compliance with the ISRA rules, N.J.A.C. 7:26B is required when ceasing subject industrial operations or prior to sale of the property. Contact the Site Remediation Program for requirements pertaining to ISRA. If you have any questions I may be reached at <reviewer's phone number>.

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Your cooperation in complying with NJAC 7:28-1 et seq. is appreciated.

Sincerely,

[NAME]  
Radioactive Materials Program

## Attachment 9: Letter for Follow-up on Returned Mail

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Division of Environmental Safety and Health  
Bureau of Environmental Radiation  
Radioactive Materials Section  
PO Box 415  
Trenton, NJ 08625-0415  
Phone (609)-984-5462  
Fax (609)-633-2210

[INSERT DATE]

[INSERT NAME AND ADDRESS]

SUBJECT: New Jersey Radioactive Materials License  
Program Interest ID #: [INSERT #]  
Activity ID #: [INSERT #]

[INSERT SALUTATION]:

This letter concerns your New Jersey Radioactive Materials License issued by the New Jersey Department of Environmental Protection (NJDEP), identified above. Correspondence sent to the address on your license has been returned to us unopened. We have found through telephone contacts or other sources that you can be reached at the above address.

Please be advised that you must notify us of changes in your mailing address and/or location of licensed radioactive material. We would appreciate it if you would review your current license and confirm whether it correctly reflects your mailing address and locations of radioactive material. If there are changes, you should immediately submit an amendment request to the Bureau of Environmental Radiation, Department of Environmental Protection, PO Box 415, Trenton, NJ 08625-0415.

If we do not hear from you within 30 days, we plan to turn your files over to our Inspection Section for appropriate review. If you have questions or require clarification on any of the information stated above, we encourage you to contact us at 609-984-5462. Thank you for your cooperation.

Sincerely,

[NAME]  
Radioactive Materials Program

**RECIPROCITY APPLICATION FORM**

New Jersey Department of Environmental Protection  
 Bureau of Environmental Radiation  
 Radioactive Materials Section  
 P.O. Box 415, Trenton, NJ 08625  
 Tel. (609) 984-5462  
 Fax. (609) 633-2210  
 Web: <http://www.nj.gov/dep/rpp/>



REPORT OF PROPOSED ACTIVITIES WITHIN NEW JERSEY JURISDICTIONAL BOUNDARIES INCLUDING OFFSHORE AND STATE WATERS

1. NAME OF LICENSEE (Person or firm proposing to conduct the activities described below)		2. TYPE OF REPORT <input type="checkbox"/> Initial <input type="checkbox"/> Change	
3. ADDRESS OF LICENSEE		4. LICENSEE CONTACT AND TITLE	
		5. TELEPHONE NUMBER	6. FACSIMILE NUMBER

7. ACTIVITIES TO BE CONDUCTED UNDER THE GENERAL LICENSE GIVEN IN N.J.A.C. 7:28-52.1 (See 10 CFR 31)

WELL LOGGING       LEAK TESTING AND/OR CALIBRATIONS       THERAPY/IRRADIATOR SERVICE  
 PORTABLE GAUGES       OTHER - Specify: \_\_\_\_\_  
 RADIOGRAPHY - Specify: \_\_\_\_\_

REGISTERED AS USER OF PACKAGING (CERTIFICATES OF COMPLIANCE NUMBERS)

LOCATIONS OF USE - LIST ADDITIONAL WORK SITES ON SEPARATE SHEET(S)

8. CLIENT NAME & ADDRESS		9. ACTUAL PHYSICAL ADDRESS OF WORK LOCATION	
		10. CLIENT TELEPHONE #	11. WORK LOCATION TELEPHONE #

12. DATES SCHEDULED	13. NUMBER OF WORK DAYS	14. ADD	15. DELETE	16. LOCATION ID # (To be assigned by NJ DEP)
FROM:      TO:				

17. LIST RADIOACTIVE MATERIAL, WHICH WILL BE POSSESSED, USED, INSTALLED, SERVICED, OR TESTED (Include description of type and quantity of radioactive material, sealed sources, or devices to be used.)

18. NRC or AGREEMENT STATE SPECIFIC LICENSE (One copy must accompany the initial NJRAD FORM 241)	LICENSE NUMBER	STATE	EXPIRATION DATE

19. CERTIFICATION (MUST BE COMPLETED BY APPLICANT)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT:

- All information in this report is true and complete.
- I have read and understand the provisions of the general license N.J.A.C. 7:28-62.1 (see 10 CFR 150) and I understand that I am required to comply with these provisions as to all byproduct, source, or special nuclear material which I possess and use within the jurisdictions of New Jersey, including its offshore waters, under the general license for which this report is filed with the NJDEP Bureau of Environmental Radiation.
- I understand that activities, including storage, conducted in New Jersey under general license N.J.A.C. 7:28-52.1 (see 10 CFR 31) are limited to a total of 180 days in calendar year. With the exception of work conducted in offshore waters, which is authorized for an unlimited period of time in the calendar year.
- I understand that I may be inspected by NJDEP Bureau of Environmental Radiation at the above listed work site locations and at the Licensee home office address for activities performed within the jurisdictions of New Jersey, including its offshore waters.
- I understand that conduct of any activities not described above, including conduct of activities on dates or locations different from those described above or without NJDEP Bureau of Environmental Radiation authorization, may subject me to enforcement action, including civil or criminal penalties.

CERTIFYING OFFICER - RSO or Management Representative (Name and Title)	SIGNATURE	DATE

WARNING: False statements in this certificate may be subject to civil and/or criminal penalties.

FOR NJDEP USE ONLY	REVIEWING OFFICIAL (Name and Title)	SIGNATURE	DATE	TOTAL USAGE -- DAYS TO DATE

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## REPORT OF PROPOSED ACTIVITIES WITHIN NEW JERSEY JURISDICTIONAL BOUNDARIES INCLUDING OFFSHORE AND STATE WATERS

### INSTRUCTIONS

Licensees cannot perform work in areas of exclusive New Jersey State jurisdiction without either (a) filing (and receiving approval of) NJRAD Form 241 for reciprocity in accordance with N.J.A.C. 7:28-62.1 (see 10 CFR 150) or (b) applying for (and receiving approval of) a specific New Jersey radioactive materials license. An area of exclusive New Jersey State jurisdiction is an area over which the State government exercises legal control without interference from the jurisdiction and administration of Federal law. If the work is to be performed on Federal property within New Jersey, the licensee must first determine the jurisdictional status of the area where the licensee plans to work. If the jurisdictional status of the work site is unknown to the licensee, the licensee should contact the Federal agency that controls the facility where the work is to be performed. A written statement concerning the jurisdictional status is not required in order to file for reciprocity; however, it is recommended that the licensee obtain such a statement for the file for future reference and inspection purposes.

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Licensees seeking to conduct activities under reciprocity for the first time in a calendar year must submit this Form, one copy of the NRC or Agreement State specific license and one-half the fee listed in Tables 1 and 2 of N.J.A.C. 7:28-64.2. NJDEP must receive this filing at least 3 days before the licensee engages in activities permitted under the General License established by N.J.A.C. 7:28-62.1 (see 10 CFR 150). This evidence can be a copy of the check that will be mailed to the NJDEP Bureau of Environmental Radiation. The preferred method of filing is through the facsimile transmission however, the licensee may file the required information through the mail or other means as long as NJDEP receives the information at least 3 days before the licensee engages in the activity. **NO ACTIVITIES MAY BE CARRIED OUT WITHOUT FIRST RECEIVING APPROVAL OF A RECIPROCITY OR SPECIFIC LICENSE APPLICATION.**

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In completing NJRAD Form 241, it is important that the information submitted on NJRAD Form 241 be specific regarding the location and date of use as well as the activity requested. If it is not possible to provide complete information, such as addresses for the locations of work, the licensee should provide as much information as possible. The licensee is responsible for providing additional information as revisions or clarifications as soon as such information becomes available.

#### Item 2:

The licensee should check the "initial" box if this is the first submission of Form 241 for the year. Licensees should check the "change" box to indicate changes to the information provided on the initial NJRAD Form 241. Changes may include modifications such to as additional work locations, changes to radioactive material, work activities, information that clarifies or deletes specific locations or work sites, modifies work site contacts, or adds or deletes dates of work, licensees should file by NJRAD Form 241 or letter, so that NJDEP receives the filing at least 3 days prior to engage in such activity. It is not necessary to resubmit the NRC or Agreement State license unless the license has been amended since the filing of the initial NJRAD Form 241. No fee is required for changes. Once one year passes from the date of initial application, a new Initial application must again be filed with the associated fees included. Additional sheets may be used, provided it includes all of the requested information in NJRAD Form 241.

Under the general license, reciprocity activities are authorized only as long as the licensee holds a valid radioactive material license. If the license expires during the year, an extension letter or a renewed license

issued by the regulating agency must be submitted to NJDEP before performing any additional work under reciprocity.

Under the general license, reciprocity activities, including storage (usage), conducted in New Jersey State jurisdiction, are limited to a total of 180 days in any calendar year. NJDEP tracks reciprocity usage on the basis of approved usage days. NJDEP will not approve any activity under the general license which causes the total usage days to exceed 180 days. It is important that licensees track the days of use and clarify or delete dates of work when applicable.

Item 12 should reference the proposed beginning and ending dates of work for each work location with the total number of days worked recorded in Item 13. Item 14 should be completed to show additional work dates different from those provided on the initial NJRAD Form 241 and Item 15 should indicate dates when work was not performed, as initially requested, that need to be deleted from the total work days. The Location ID Number in Item 16 is generated by the NJDEP for use in tracking reciprocity activities and is specific for each work location. The Location ID Number should be referenced for any revisions or clarifications to work location information.

Item 17: Licensees should identify the specific make and model numbers of sealed sources and devices.

NOTE: Inspections by NJDEP of activities performed in New Jersey or areas of New Jersey jurisdiction, including offshore waters operating under the general license in N.J.A.C. 7:28-62.1 (see 10 CFR 150) will be conducted at the listed work site location(s). Failure to file an NJRAD Form 241 may result in the issuance of formal enforcement actions.

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Completed application forms may be mailed to:

New Jersey Department of Environmental Protection, Bureau of Environmental Radiation, Radioactive Materials Section, P.O. Box 415, Trenton, NJ 08625 or sent via facsimile to (609) 633-2110.

NJDEP RESPONSES TO NRC COMMENTS

12/22/2009

#	APPLICATION SECTION	NRC COMMENT (February 27 and March 3, 2009)	STATE RESPONSE	LEAD
1	Inspection Elements Section 4.4.1	"NJ Manual Chapter 2800, Materials Inspection Program, does not describe the inspection program for licensees with permanent field offices. New Jersey must submit for review a description of this inspection program. Section 07.04.b.1-b.3 of NRC Manual Chapter 2800 contains a description of an inspection program for licensees with permanent field offices which may be helpful in your response."	Added section to Manual Chapter 2800 section 07.04.	CB
2	Inspection Elements Section 4.4.1	"Section 03.01.b.1 of NJDEP IP 87132 references 10CFR 643, 647, and 657, which appear to be typographical errors. The correct references should be 10 CFR 35.643, 35.647, and 35.657."	Corrected	JG
3	Licensing Elements Section 4.3.1 Instructions for Completing Initial Application NJDEP Matrix #14	"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"	The state's checklist (i.e. Attachment 1 of BER SOP 3.01) has been deleted. The checklists from the NUREG-1556 series will be used by license reviewers.	WPC
4	Licensing Elements Section 4.3.1 NJDEP Matrix #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"	Security related documents sent to IC facilities will be marked to indicate that these items are security related and are not to be released to the public. No other documents will be marked.	WPC
5	Licensing Elements Section 4.3.1 NJDEP Matrix #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)"	Typo corrected.	WPC
6	Licensing Elements	"In addition, NUREG-1556, Vol 9, Rev. 1 has been superseded by Rev. 2; the reference and the link to the NRC website should be updated."	Link is revised to direct applicants to the NUREG-1556 series volume of interest. Specific revisions will not be mentioned.	WPC
7	Licensing Elements	"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 and provide the link(s) to the NRC website."	NJDEP will accept Form 313A series and guidance as a method of submitting qualifications for requested authorized individuals. Link has been placed in Instructions for Completing Initial Application.	WPC
8	Licensing Elements	"Also, NUREG-1556, Vol. 13 has been superseded by Rev. 1: the reference and link to the NRC website should be updated"	See response to item #6.	WPC
9	Licensing Elements	"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 authorization of authorized individuals"	Page is revised to state that NRC and State licenses may be submitted in support of an individual's credentials, but not in lieu of Form 313A or other acceptable training and experience documentation.	WPC
10	Licensing Elements BER 3.04 and 3.07	"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	The correct timeframes are 90 days for completing licensing action, with deficiencies issued by day 45. BER 3.07, section 3.0C is revised.	WPC

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	<b>Time Frames for completion of review of licensing actions</b>	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). The time frames need to be clarified.”		
11	<b>Licensing Elements Exemptions</b> NJDEP Matrix #16	“Comment is that we usually see this with medical only and don’t use temporary exemptions routinely. He didn’t see anything in the application that changed or expanded” A method for determining the acceptability and granting of exemptions is not included.	According to NUREG-1556, volume 20, temporary exemptions may be granted for humanitarian or emergency reasons. Such exemptions would be used on a case-by-case basis and would be approved by the Commission on Radiation Protection as per N.J.A.C. 7:28-2.8, which includes the method for determining the acceptability and granting of a temporary exemption. Review of an Application for License Termination 3.5.1.5 states “The licensee shall be informed that only the NJDEP with approval of the Commission on Radiation Protection may authorize continued use of radioactive material without a current license, i.e., grant an exemption”.	WPC
12	<b>Licensing Elements</b> NJDEP Matrix #27	“We had a question regarding references to 10 CFR 31 and 31.32 and what portable gauges may be exempt from licensing requirements. Reviewer still has question on this. NJ answer was to say certain portable gauges may be exempt – Section 52 or 10 CFR 30 provides a listing of exempt devices for further clarification. Reviewer cannot find this information”	References to portable gauges exempt from licensing requirements is deleted.	WPC
13	<b>Licensing Elements</b> NJDEP Matrix #33	“NJ response limited this to PET radioactive materials. Vol. 21 was not limited to PET – dealt with production of radioactive materials using an accelerator. Reviewer had a question as to why limited to PET”	The wording is revised to say “byproduct material,” rather than “PET” material.	WPC
14	<b>Licensing Elements.</b> NJDEP Matrix # 34	“reviewer could not find what they referenced in response – 7:28-51, BER 2.02, page 15, item 3.14. Related to statement about continued operation under the authority of any license for which renewal application was submitted after expiration date”	The correct reference is BER Procedure 3.02, page 2, item 3.1.4. Legal authority for continued licensee operation under a license for which the application was submitted after the expiration date of a license is granted under N.J.A.C. 7:28-1.1 through 1.2. If public health and safety would be compromised by ceasing licensee activities (e.g. hospital therapy), the Department would allow operations for a limited amount of time.	WPC
15	<b>Event and Allegation Response Elements</b> Section 4.7.1.2	“The following event response procedures appear to be missing from the application: notifications of licensing staff and notifications to other affected licensees of generic problems”	Notifications of licensing staff and notifications of other affected licensees of generic problems are included in BER SOP 7.05 Guidance on Reactive or Special Inspections	PG
16	<b>Event and Allegation Response Elements</b>	“The following guidance should be added to the application; 1. 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, 2. Follow-up actions and action levels for radiation exposures associated with materials incidents involving members of the public, 3. Requesting Emergency Acceptance of Radioactive Material by the U.S. Department of Energy (DOE), and 4. While NJ has procedures on responding to transportation incidents, the reviewer could not find anything regarding notifying DOT”	1. Guidance regarding the need for a reactive/special inspection is provided in new BER 7.05. 2. Guidance is included regarding follow-up actions and action levels for radiation exposures from materials incidents involving members of the public is included in BER 7.06. 3. Added SOP BER 7.04 Requesting Emergency Acceptance of Radioactive Material by the U.S. Department of Energy. 4. It is the carrier’s responsibility to notify the DOT for transportation incidents. The Department staff would verify that this was done.	PG
17	<b>Technical Staffing and Training Qualification Plan</b>	“Medical Qualification Journal references to program code 2100 should be corrected to 2110 for medical institution, broad”	Corrected	JG
18	<b>Program</b>	The organizational charts for the Bureau of Environmental Radiation in	Corrected	PG

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	<b>Organization</b>	section 4.1.2 should be updated to reflect the organizational changes in section 4.6.3.1.		
19	<b>Program Organization</b>	Clarify the differences in the current title designations and the Agreement State title designations.	Clarified in the introduction to 4.6.1	PG
20	<b>Licensing Elements</b> NJDEP Matrix #31	"In "Licensing Guidance" on page 17, the last two paragraphs of section R refer to general licensees. This document provides guidance for specific licensees and so this language should not be included here"	Wording referring to general licensees (Section R) is removed.	WPC
21	<b>Licensing Elements</b> NJDEP Matrix #32	"The New Jersey submission needs to include technical licensing procedures for 10 CFR Part 40, Domestic Licensing of Source Material," which are not addressed in the NUREG-1556 series) including standard review plans, checklists and licensing guides"	New Jersey discussed this item with FSME staff and this comment has been addressed.	JG
22	<b>Licensing Elements</b> NJDEP Matrix #34	"Please explain what New Jersey proposes (e.g. enforcement discretion) and what legal mechanism would be used to implement a legally binding requirement on the expired license holder"	See response to item 14.	WPC
23	<b>Licensing Elements</b> NJDEP Matrix #34	"On page 29 under Review of an Application for License Termination, item 3.5.1.5, the NRC is not aware of a similar NRC policy and having the Section Supervisor grant this authorization seems somewhat contradictory to the policy stated for expired licenses on page 15"	See response to item 14. Letter was revised for Commissioner's signature.	WPC
24	Radioactive Material License Application Instructions	"In the heading – 2 <sup>nd</sup> and 3 <sup>rd</sup> sentences indicate that regulations for licensing diffuse naturally occurring or accelerator produced radioactive material are in subchapter 4 while regulations for licensing of byproduct and source materials are found in other subchapters. This separation seems unclear given that the EPAct of 2005 resulted in certain accelerator produced materials to now be byproduct material"	N.J.A.C. 7:28-4 applies to diffuse naturally occurring or <u>diffuse</u> accelerator produced radioactive materials as the title indicates. The sentence is revised to insert "diffuse" before accelerator. N.J.A.C. 7:28-4.1(b) lists the exceptions to subchapter 4, namely byproduct, source, and special nuclear material. Byproduct, source, and special nuclear material are all defined by the NRC and adopted by reference in N.J.A.C. 7:28-6.1. Diffuse is defined in N.J.A.C. 7:28-1.4(a)2. Diffuse accelerator produced radioactive material, produced by activation of certain parts of the accelerator or surrounding building materials, still requires regulation and is not covered under the NRC's definition of byproduct material.	JG
25	Radioactive Material License Application Instructions	"Under item D, self-shielded irradiators are regulated pursuant to 10 CFR Part 30, not Part 36"	Citation is revised.	WPC
26	Radioactive Material License Application Instructions	"On page 9 under item F, it suggests that definitions and requirements for an academic, research and development, and other limited scope license may be found in 10 CFR 33. Limited scope licenses fall under Part 30. Only broad scope licenses fall under Part 33"	Citation is revised.	WPC
27	Radioactive Material License Application Instructions	"On page 9 under item G, refers to 10 CFR 31. This is the wrong reference. It should be subpart A of 10 CFR 32. I would also suggest that NJ add a sentence noting that only the NRC issues exempt distribution licenses in the 2 <sup>nd</sup> paragraph when referring readers to NUREG-1556, Vol. 8."	Citation is revised, with recommended sentence added.	WPC
28	Radioactive Material License Application Instructions	"On page 11 under item J, the first sentence refers to 10 CFR 32. However, possession to possess for M&D is subject to Part 30"	Citation is revised. Sentence added that only NRC may authorize exempt distribution.	WPC
29	Radioactive Material License Application	"On page 12 under item R, the list should include Ra-226 at 3.7 MBq"	Item R is deleted. See response to item 20.	WPC

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	Instructions			
30	Reciprocity Application Form	"Under item 19, sentence a. includes "(see 10 CFR 31)," however NRC reciprocity requirements are located at 10 CFR 150.20" "This reference also appears in the instructions for "Reprot of Proposed Activities within New Jersey Jurisdiction Boundaries ....," 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence and under item 17 in the note"	Citations revised.	WPC
31	Notice to Employees	"NJ's form does not contain the same (or all) information found on NRC's Form 3"	Essential information from NRC's Form 3 is included in New Jersey's form. Detailed information would be provided to an employee once they notify the State of alleged violations/discriminatory actions.	WPC
32	BER Section 4.3.1 Appendix B	"A sample letter appears on page 3. Should it cite a regulatory basis or provide for hearing rights when denying an application as similar to 10 CFR 2.108"	Letter revised to cite NJ regulations.	WPC
33	Section 4.3.1	"Change provide to provided in 3 <sup>rd</sup> paragraph, 4 <sup>th</sup> sentence"	Revised	WPC
34	Procedure 3.01	"Add a space after the ")" in item 2.2, 2 <sup>nd</sup> sentence"	Revised	WPC
35	Procedure 3.01	"Delete space after "determines" in item 3.2.7"	Revised	WPC
36	Security Related Checklist	"Starting on page 4 and on a number of following pages, it refers to FSME/DMSSA/SSSB when it should now be SMPB"	Revised	WPC
37	Radioactive Material License Application Instructions	"On page 12 in the heading, section L is underlined while the other sections are bolded and not underlined"	Revised	WPC
38	Section 4.3.1	"Remove "???" on the Appendix B Sample Letters on page 12"	Revised	WPC
39	Procedure 3.06	"Correct the word "notifying" in the first sentence and remove a duplicated "if" in the 2 <sup>nd</sup> paragraph on page 2 under section 2.0"	Revised	WPC

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(11 pages)

# NJDEP – BER Procedure No. 3.01

## Review of Application for License or Amendment Request

### 1.0 PURPOSE

- 1.1. The purpose of this procedure is to define the process for reviewing all types of specific license requests, with the exception of applications for license renewal or request for license termination. Standard review plans, checklists and policies that shall be used during the review process will be identified. The process for issuing a specific license or an amendment to a license and standard license conditions will be provided. The process for denying (State's initiative) or abandoning (applicant's or State's initiative) a request for licensing action shall be defined.
- 1.2. References
  - 1.2.1. N.J.A.C. 7:28
  - 1.2.2. NUREG-1556, "Consolidated Guidance About Materials Licenses."
  - 1.2.3. Title 10 Code of Federal Regulations
- 1.3. Computer Based Letters, Forms and Reports
  - 1.3.1. <http://www.nj.gov/dep/rpp/download/rmlicap2.pdf>
  - 1.3.2. Appendix A – Licensing Forms
  - 1.3.3. Appendix B - Example Letters
- 1.4. Hardcopy Files
  - 1.4.1. Specific License
  - 1.4.2. License Application and/or Amendment Request Submittal
  - 1.4.3. Deficiency Letter
  - 1.4.4. License Transmittal Letter
- 1.5. Definitions
  - 1.5.1. Application request means a request for an application for a license from a prospective licensee.
  - 1.5.2. Licensing action means a request or application received from an applicant or a licensee as follows:
    - 1.5.2.1. an application for a license to manufacture, produce, transfer distribute or arrange for the distribution, sell, lease, receive, acquire, own, possess or use any licensed radioactive material;
    - 1.5.2.2. an application for renewal of a license;
    - 1.5.2.3. a request for an amendment to a license, e.g., change in administration, authorized use and/or user(s), RSO, quantity of material, add isotopes, facilities, and etc.; and,
    - 1.5.2.4. a request for termination of a license(s).
  - 1.5.3. Processing means reviewing the application for license or amendment, requesting additional information, if appropriate, and either issuing or denying with or without prejudice, the requested license or amendment.
  - 1.5.4. Denying without prejudice means that the application for license was deficient and denied, but that the applicant may reapply after correcting the deficiencies.

- 1.5.5. Denying with prejudice means that the applicant for license is not qualified and shall not reapply for a license, e.g., a minor applying for a license to possess and use radioactive material or a non medical qualified individual applying for a license to use radioactive material in the diagnosis and/or treatment of humans.
- 1.5.6. Regulatory Guide means guidance published by the NRC or the NJDEP, in which each guide defines an acceptable program or part of a program, for the possession and specific use of radioactive materials. An applicant is not obligated to follow one of these guidance documents when developing their program and applying for a license or amendment; however, if not followed, the applicant must demonstrate that the proposed program is at least equivalent to the one described in the guidance document.
- 1.5.7. Consolidated Guidance About Materials License means guidance published by the NRC in NUREG-1556, in which each volume defines an acceptable program for a specific type of use of radioactive material.

## 2.0 RESPONSIBILITIES

### 2.1. Administrative Assistant

The Administrative Assistant is responsible for receiving, logging and acknowledging the receipt of an application for a new license. Requests for amendments to a license shall be received and logged. The Administrative Assistant is responsible for maintaining the computer based and hardcopy files and for tracking the applications for license or amendment during processing. The Administrative Assistant is responsible for responding to requests for license applications by transmitting an application, order form and Internet address of the regulations, and a copy of, or reference to, specific guidance.

### 2.2. Qualified License Reviewer/Inspector (QLR/I)

The QLR/I is responsible for reviewing the assigned application, determining if it is complete, requesting additional information as appropriate, and if appropriate, preparing the license or amendment for review and signature by the Radioactive Materials Section Supervisor. The QLR/I following the guidance in N.J.A.C. 7:28-4 and 51.1 (see 10 CFR 30), is responsible for recommending whether an application is deficient and should be denied either with or without prejudice.

### 2.3. Senior Qualified License Reviewer/Inspector (QLR/I)

The Senior QLR/I is responsible for signing licenses and license amendments in the absence of the Radioactive Materials Section Supervisor and for reviewing and approving licenses/amendments completed by the QLR/I and transmittal to the Radioactive Materials Section (RMS) Supervisor.

### 2.4. Radioactive Materials Section Supervisor

The RMS Supervisor or designee is responsible for assigning a licensing action for processing to a Senior QLR/I (who may delegate to QLR/I). The Radioactive Materials Section Supervisor is responsible for performing quality assurance reviews, approving and signing licenses and license amendments. The RMS Supervisor following the guidance in N.J.A.C. 7:28-4 and 51.1 (see 10 CFR 30) is responsible for denying, with or without prejudice, an application for license or for license amendment.

### 3.0 PROCEDURE

#### 3.1. Receipt of an Application or Request

Upon the receipt of an application for license or a request for a license amendment the following shall be performed:

##### 3.1.1. Priority

An action priority shall be assigned to the application or request in accordance with BER 3.04, "Prioritization of Licensing & General License Registration Actions" and with concurrence of the RMS Supervisor.

##### 3.1.2. Assignment of Reviewer

The RMS Supervisor shall assign applications or amendment requests to the appropriate Senior QLR/I. The review of an application or request shall be conducted by either the Senior QLR/I or QLR/I.

##### 3.1.3. The Administrative Assistant will check that the fee is included, if applicable.

##### 3.1.4. The QLR/I will check that the enclosed fee is correct (see Appendix A NJRAD Form 101). If not, the licensee will be contacted to send the correct amount.

##### 3.1.5. The proper fee will be sent to the Department of Treasury.

#### 3.2. Processing an Application for License

3.2.1. The application (Form NJRAD-313 in Appendix A) and all appended and referenced material shall be reviewed. NJDEP specific Rule and Policies, and NRC Consolidated Guidance, Regulatory Guides, Standard Review Plans, Reviewers Evaluation Forms, Technical Assistance Requests, and Checklist shall be used, as appropriate, by the reviewer to evaluate the applicant and the application. If additional information is needed, a letter denoting application deficiencies shall be sent by the reviewer or, a meeting with the applicant, and/or a visit to the proposed facility(s) shall be requested by the reviewer.

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3.2.2. Sections of the application that do not conform to, or fail to address areas in the appropriate guidance, become deficiencies that must be resolved before the license is issued. The application should be reviewed against the checklist/suggested format in the appropriate NUREG-1556 volume(s). All deficiencies should be clearly documented and communicated to the applicant.

3.2.3. Reviewers should apply the guidance in the NUREG-1556 series to the extent suitable to the applicant's proposed activities and should not apply any standards or criteria for which there is no specific regulatory basis. Reviewers should accept only procedures or proposals that result in a level of safety at least equivalent to that provided for in NRC guidance.

3.2.4. Following the completion of the review of the application and any supplemental material requested by the reviewer, a recommendation to issue a license or deny the application shall be made to the Radioactive Materials Section Supervisor.

- 3.2.5. If the recommendation is to issue the license and the Radioactive Materials Section Supervisor concurs, the Senior QLR/I or QLR/I shall prepare the license for the Radioactive Materials Section Supervisor's signature. All submitted and referenced information shall be tied-down. Tie-down license conditions are facility-specific conditions used for procedures, radiation detection equipment, use locations, etc., that are not already generically identified on the license.
- 3.2.6. If the recommendation is to deny the application and the Radioactive Materials Section Supervisor concurs, the reviewer shall prepare a notification to the applicant. The notification shall state the reason for denial and if a new application would be accepted from the applicant.
- 3.2.7. A license that is issued or renewed should have a 10 year term limit, unless management determines, on a case-by-case basis, that a license should be issued for fewer than 10 years.
- 3.2.8. It is the policy of NJDEP to conduct an onsite inspection and evaluation of all new radioactive material license applications prior to the issuance of a license. Guidance and Checklists for Prelicensing Inspections and Risk Significant Radioactive Materials are provided in Attachment 1.

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**3.3. Processing a Request for License Amendment or Renewal**

- 3.3.1. A request for an amendment to a specific license need not and probably will not be on a NJDEP form. The request may be a letter plus attachments or a formal application. The request shall be signed by the individual in the position, or higher, that signed the application for license or the request shall be returned for proper signature. Alternatively, the licensing action request may be signed by an individual delegated by the person who signed the application or higher (the Administrator or Radiation Safety Officer).
- 3.3.2. The initial review of the request for amendment shall determine if the request is so broad that it should be processed as a rewrite of the current license or as a new license. If it's determined that either a rewrite or a new license is appropriate and the Radioactive Materials Section Supervisor concurs, the request shall be returned to the licensee and an appropriate application shall be requested.
- 3.3.3. The QLR/I should focus the evaluation on only those areas that the licensee indicates need revision. If the licensee completely resubmits the entire application, the reviewer should request that the licensee specifically identify the requested changes. The licensee may opt to resubmit the request and only discuss the specific changes, or may identify the changes by marking or highlighting the modified text.
- 3.3.4. The first task for the QLR/I is to review the inspection and licensing correspondence, and query the New Jersey Environmental Management System (NJEMS) data base to see if the licensee has been effectively in compliance for the duration of the license. NJDEP licensing management reserves the option to request that the RMS staff perform a comprehensive review of the license even though the request for an amendment or renewal is from a licensee that has been in compliance with the applicable

- regulations, but that may exhibit other characteristics warranting a comprehensive review.
- 3.3.5. The QLR/I should use the following guidance and document any issues with the licensee that may arise during the course of the review.
    - 3.3.5.1. Enforcement History - A licensee that is or has been the subject of an ongoing investigation by the Department or escalated enforcement action within 5 years will be considered for a comprehensive review of the renewal application. Escalated enforcement action includes any Order, civil penalty, or Notice of Violation issued at Severity Levels IV, III, II, or I. *Note:* Licenses should not be renewed if they are the subject of an ongoing investigation or pending enforcement action.
    - 3.3.5.2. Loss of Material - If the licensee has been cited with a violation for the loss of control of a reportable quantity of licensed material presumed to be in the public domain in the last 5 years, the license application will be considered for a comprehensive review.
    - 3.3.5.3. Unauthorized Disposal or Release of Material - If the licensee has been cited with a violation regarding unauthorized disposal or release of material in the last 5 years, the license application will be considered for a comprehensive review.
    - 3.3.5.4. Overexposure - If the licensee has been cited for a radiation exposure in excess of regulatory requirements in the last 5 years, a comprehensive review of the license application will be considered. Exposures would include those to members of the public as well as to occupationally exposed individuals.
  - 3.3.6. A request from a medical licensee to add an authorized user to their license shall be accompanied by records of the individuals training and qualifications. Records of training shall be signed by the preceptor and shall not be just a letter stating that these procedures had been performed at another licensed facility.
  - 3.3.7. Where appropriate, material previously received for the license may be incorporated by reference.
  - 3.3.8. A request to add an authorized user to a license shall be accompanied by records of the individuals training and qualifications.
  - 3.3.9. A request to add or replace a Radiation Safety Officer (RSO) or Chair of the Radiation Safety Committee (RSC) shall include training and experience records and duties, responsibilities, and if appropriate availability.
  - 3.3.10. A request to add isotopes, quantities, physical form, use, facilities, instrumentation, or the authorized place of use shall be reviewed in the same way as a request for a partial specific license for that activity.
  - 3.3.11. An amendment to a license is normally amended in entirety and includes new tied-down license conditions as appropriate.
  - 3.3.12. The Radioactive Materials Section Supervisor shall sign the amendment.
  - 3.3.13. To document processing a licensing action the author and reviewer shall use NJEMS.

3.3.14. In the event the Radioactive Materials Section Supervisor is absent, the second review shall be conducted by a Senior QLR/I and the NJEMS log shall be completed by the Senior QLR/I.

3.3.15. Use Attachment 2 to determine if significant licensing action has taken place that may require an additional onsite inspection.

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#### 3.4 Processing of Exemptions For Material Licensees

3.4.1 Licensees may be granted exemptions from NJDEP regulations pursuant to N.J.A.C. 7:28-51, 58, 60.

3.4.2 Applicants requesting exemptions must provide sufficient information for the license reviewer to determine that the proposed exemption was approved by the Commission on Radiation Protection and in accordance with the provisions of N.J.A.C 7:28-2.8.

3.4.3 Temporary exemptions may be granted only after a determination has been made that the circumstances surrounding the request are urgent and temporary and that the exemption can be approved by the Commission on Radiation Protection and in accordance with the provisions of N.J.A.C. 7:28-2.8. Such exemptions should not be exercised repeatedly for the same set of circumstances for the same licensee.

3.4.4 Temporary exemptions may be appropriate when a normal license amendment is not appropriate because of non-recurring, short duration (normally 7 days or less) nature of exemption and the non-compliance would normally result in a Severity Level I violation per NJDEP Regulations.

#### 3.5 Processing Reciprocity Applications

3.5.1 Guidance to the licensing staff for processing reciprocity application NJDEP Form 241 are contained in NJDEP Inspection Manual Chapter 1220 "Reciprocity-Report of Proposed Activities in New Jersey, in Areas of Department Jurisdiction" and Inspection of Reciprocity Licensees Operating Under NJAC 7:28-62" (see 10 CFR 150).

#### 3.6 Emerging Medical Technologies

3.6.1 The specific risks associated with emerging technologies, additional regulatory requirements, and the training and experience requirements for authorized users are evaluated on a case-by-case basis. The licensing guidance for emerging technologies will be modeled on other medical uses with similar risks. Licensing guidance for each specific emerging technology is available on the Medical Uses Licensee Toolkit page of the NRC website <http://www.nrc.gov/materials/miau/med-use-toolkit.html>.

### 4.0 RECORDS

#### 4.1. Hardcopy

4.1.1. Applications for license plus attachments are kept in the license file.

4.1.2. Requests for amendments are maintained in the appropriate specific license file.

#### 4.2. Computer Based

4.2.1. NJEMS

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(3 pages)

NJDEP – BER Procedure No. 3.02  
Review of Application for Renewal of a Specific License

1.0 PURPOSE

1.1. Applicability

The purpose of this procedure is to define the steps required for renewal of a specific license. This procedure also defines when an expedited renewal form is allowed rather than renewal in entirety. Timely and untimely applications for renewal are also discussed.

1.2. References

1.2.1. NJAC 7:28

1.2.2. Title 10 Code of Federal Regulations

1.3. Computer Based Letters, Forms and Reports

1.3.1. NJEMS

1.4. Hardcopy Files

1.5. Definitions

1.5.1. Renewal In Entirety means that based on the review of the application, the inspection history, the current license, or a significant change in the applicable rule, the preparation of a total license revision is warranted. An example is a license that has been amended numerous times since the last renewal, such that the scope of the program has changed.

1.5.2. Expedited Renewal means the renewal of a license where the application, the inspection history and the current license demonstrate that there has not been a significant change in the scope of the licensed program.

1.5.3. Timely Renewal means the receipt of an application for renewal of a license that has been postmarked 30 days or more before the license's expiration date. The license remains in effect until processing of the application for renewal has been completed.

2.0 RESPONSIBILITIES

2.1. Administrative Assistant

The Administrative Assistant is responsible for notifying a licensee that their license(s) will expire in 90 days and sending appropriate guidance document(s) based on input from the technical staff. The Radioactive Materials Section Supervisor shall be informed of licensees that have not submitted renewal applications at least 30 days prior to expiration and of any licenses that have expired. The Administrative Assistant is responsible for receiving, logging and acknowledging the receipt of an application for license renewal and ensuring the applicant is informed that the application is considered to be timely. Maintains the hardcopy file with renewal documentation.

2.2. Qualified License Reviewer/Inspector (QLR/I) The QLR/I is responsible for reviewing the application to see if it is valid and, with the concurrence of the Radioactive Materials Section Supervisor or Senior QLR/I, signing the letter informing the applicant that the application is considered to be timely, and for processing the application, as assigned.

- 2.3. The Senior QLR/I is responsible for signing license renewals in the absence of the Radioactive Materials Section Supervisor, once a second review has been performed.
- 2.4. Radioactive Materials Section Supervisor  
The Radioactive Materials Section Supervisor is responsible for determining if an application for renewal is timely or if the license has expired and should be terminated. The Radioactive Materials Section Supervisor is responsible for determining if a license should be an expedited renewal form or renewal in entirety and for assigning applications for renewal to a Senior QLR/I (who may delegate to QLR/I) for processing. The Radioactive Materials Section Supervisor is responsible for reviewing, approving and signing the license renewal.

### 3.0 PROCEDURE

The review of an application for renewal of a specific license shall be conducted by a QLR/I.

#### 3.1. License Expiration

- 3.1.1. Ninety (90) days prior to a license's expiration date, the licensee should be notified of the pending expiration date and that if an application for renewal is post marked at least 30 days prior to the expiration date, the application will be considered to be timely. If the renewal application is post marked less than 30 days prior to but not after the expiration date, the Radioactive Materials Section Supervisor or designee shall determine if the application should be considered timely.
- 3.1.2. If the application is found to be timely, the licensee is informed that activities authorized by the current license may continue until processing of the renewal has been completed.
- 3.1.3. If a timely application is not received, the licensee is informed that the license is considered to be expired, any activity using licensed radioactive material shall cease and all licensed radioactive material shall be placed in storage or be disposed. See sample letter in Appendix B.
- 3.1.4. The Radioactive Materials Section Supervisor must approve continued operation of any license for which the renewal application was submitted after the license's expiration date as per N.J.A.C. 7:28-1.1 through N.J.A.C. 7:28-1.2.
- 3.1.5. Processing of terminated licenses is covered in BER 3.03, License Termination.

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#### 3.2. Renewal in Entirety

- 3.2.1. One of the principal reasons for renewing a license in its entirety is to eliminate the confusion that can be caused by multiple amendments to the license and numerous tied down conditions.
- 3.2.2. The application, all referenced material, prior applications for amendment, and inspection history shall be reviewed. The QLR/I shall use, as appropriate, NJDEP regulations, Consolidated Guidance, Regulatory Guides and/or Review Evaluation Forms. If needed, additional information should be requested from the applicant. In particular NJDEP specific rule and policy should be reviewed if only NRC guidance was utilized.

- 3.2.3. The license should contain all information that would be included in an initial license of the same program code(s) including tied down license conditions that are based on a referenced license amendment.
- 3.2.4. Expedited renewal of a license may be considered only if the following conditions have been satisfied:
  - 3.2.4.1. The authorized place of use and facilities are the same.
  - 3.2.4.2. The program codes for the category-of-use have not changed.
  - 3.2.4.3. The authorized users have not changed.
  - 3.2.4.4. The allowable isotopes, quantities, physical form and use have not changed.
  - 3.2.4.5. The tied down license conditions are the same.
  - 3.2.4.6. Only instruments that will enhance performance have been added.
  - 3.2.4.7. No items of noncompliance equal to or greater than Class IV severity have been observed during inspections of the license. Items of questionable significance that do not satisfy the above requirements, such as adding an authorized user, may be overlooked with concurrence of the Radioactive Materials Section Supervisor.

#### 4.0 RECORDS

##### 4.1. Hardcopy

- 4.1.1. Application for license renewal plus attachments are maintained in the licensee's file as well as any deficiency letters generated by the technical staff.

##### 4.2. Computer Based

- 4.2.1. NJEMS

NJDEP – BER Procedure No. 3.07  
LICENSING ADMINISTRATIVE PROCEDURES

1.0 Introduction

New Jersey's administrative procedures for licensing that address receipt of licensing actions to technical evaluators, license documentation preparation, tracking of action progress, signing of completed licenses, transmittal of signed license to the licensee, and license file maintenance can be found in the *Licensing Procedures*.

All documents related to the licensing and inspection of radioactive material in New Jersey will be kept in filing cabinets in a secure area in the Bureau of Environmental Radiation. All electronic files are kept on the Department of Environmental Protection's password protected servers with restricted access.

The *Licensing Procedures* included in this application provides the licensing staff and other appropriate staff members with basic administrative procedures for processing, managing, and tracking licensing actions from the time each action is received by the Radioactive Materials Section (RMS) until the action is completed. These procedures include acknowledging requests for specific licensing actions, tracking the progress of actions, maintaining files electronically, preparing licenses, distributing documents, and other miscellaneous administrative activities.

The New Jersey Environmental Management System (NJEMS) is a database system used by the New Jersey Department of Environmental Protection to centrally locate information regarding licenses, inspection information, and incidents. The system currently supports the Bureau of Environmental Radiation's enforcement records and documentation. Development of the portion of this system that will handle review, issuance and tracking of Licensing and Registration documentation to support the proposed Agreement State activities is continuing. Once in place (projected date early 2009), this one database will be the digital repository for licensing, inspection, enforcement, and incidents information and permit us to generate and track documents relating to these tasks. A licensing tracking system, part of the New Jersey Environmental Management System (NJEMS), supports collection and review of license applications and enforcement actions. NJEMS also provides the capability to generate licenses, correspondence, and reports. By using NJEMS, the Bureau is able to create new licenses, modify existing licenses, and renew licenses.

2.0 Objective

The NJEMS system supports a standardized review process and provides licensing and inspection management reports. NJEMS allows the RMS staff and management to provide timely responses to inquiries and specialized, ad hoc queries. Consequently, all incoming licensing documents will be entered into this license tracking system.

### 3.0 Procedure

A. The Administrative Assistant and the QLR/I and/or the Senior QLP/I are responsible for the timely processing of materials licensing actions. All materials licenses are assigned unique numbers that are tracked in the NJEMS database for the life of the licenses. For initial applicants, a new license number will be assigned. However, this number will not be referenced in communications with the licensee until the license has been finalized. (The computer system permits licensee identification using many different queries including a facility name as well as a license number.) Each licensing action is tracked in the NJEMS database from receipt of a request for licensing action through completion.

B. The QLR/I or Senior QLR/I will complete an acceptance review, as defined in the *Licensing Procedures*, and take the appropriate actions.

C. The objective is to complete all licensing actions within 90 days of receipt. Therefore, a well-prepared license application (complete and accurate) should be processed, signed, and issued within that time. Likewise, the QLR/I should have identified any need for additional information or clarification and issued a deficiency letter within 45 days of the receiving a licensing action with flaws. When the response to the deficiency letter arrives, the 30-day timeframe begins again. The previous discussion established the time constraints for processing a licensing action. Peer review and supervisory review are included in that timeframe.

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D. The 90-day completion objective should always be met when licensing actions involve health and safety related issues. However, the quality review and approval will always take precedence over an arbitrary completion deadline. A supervisory review of new, amended, and renewed licenses is required. A supervisory review is not required for deficiency letters.

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E. The QLR/I will ensure that the correct program code is assigned to the license. When it becomes necessary to assign more than one program code to a license, the code with the highest inspection priority (shortest inspection cycle) will be designated the primary code.

F. To standardize and simplify the review process, QLR/Is will use all available tools, including process, criteria, and checklists, when reviewing license applications. These are included in the *Licensing Procedures*, their attachments and appendices.

#### G. License Authorization

When complete, each license must be signed by the QLR/I or Senior QLR/I and submitted for signature of the RMS Supervisor.

#### H. Issuance of Final Licensing Action

A cover letter and the original license should be sent for all completed licensing actions. The cover letter may be a form letter or individual letter. Many licensing actions require

specific information to be included in the cover letter related to the individual case. All information may be combined into a single cover letter, or QLR/Is may elect to use attachments. For licenses that are amended frequently, it is acceptable to include the standard information with every licensing action; or, if deemed appropriate, the information may be deleted if it was provided in a recent previous communication.

#### I. Record Retention

Paper and electronic records of inspection reports, enforcement actions, licensing documents, and routine correspondence are kept on the premises of the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation. Paper documents are saved and filed according to license number and are stored in a secured entry resource room. Electronic files are kept as part of NJEMS on a network accessible to authorized Bureau staff. All records are periodically archived to effectively utilize space.

## NJDEP - BER 7.04

### REQUESTING EMERGENCY ACCEPTANCE OF RADIOACTIVE MATERIAL BY THE U.S. DEPARTMENT OF ENERGY (DOE)

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#### 01 PURPOSE

To establish procedures for requesting emergency assistance from the U.S. Department of Energy (DOE) in retrieving and storing inadequately-controlled, radioactive material licensed by NRC or an Agreement State.

#### 02 OBJECTIVE

To ensure adequate protection of the public health and safety from radiation hazards arising from situations in which (1) radioactive material licensed by NRC or an Agreement State is discovered to be inadequately controlled; and (2) appropriate governmental actions are needed because of the lack of a capable licensee.

#### 03 APPLICABILITY

This applies to the NJDEP's Bureau of Environmental Radiation.

#### 04 DEFINITIONS

04.01 Inadequately-Controlled Radioactive Material. Byproduct, source or special nuclear material, licensed by NRC or an Agreement State, that is (1) in the possession of an unlicensed party, (2) in the possession of a licensee not authorized to possess the material, or (3) in the possession of a licensee authorized to possess the material, but for which there is little confidence that the licensee will be able to continue to maintain appropriate security of the material.

Examples of such situations are abandoned sources or devices containing sources that are traceable to a licensee that cannot take control of the material; unauthorized transfer of licensed material by or to licensees; and licensed material in the possession of licensees or former licensees who are unable to adequately control the material.

04.02 Emergency Situation. For the purpose of requesting emergency acceptance by DOE, an emergency situation is a situation that is causing, or has high potential to cause, a significant health and safety risk to members of the general public.

#### 05 RESPONSIBILITIES AND AUTHORITIES

Manager, Bureau of Environmental Radiation (BER)

- a. Determines when a situation involves licensed material lacking a capable licensee to control it, and requests DOE emergency acceptance in accordance with this manual chapter.
- b. Assign a point-of-contact to coordinate DOE retrieval of licensed material (normally, this would be the Supervisor of the Radioactive Materials Section or designee).

#### 06 BASIC REQUIREMENTS

##### 06.01 General Guidance

a. Guidance for immediate response actions is contained in the Radioactive Material and Radiological Assessment Team manual and the New Jersey Radiation Response Protocol. This procedure contains the steps to be followed after any immediate actions to secure inadequately controlled material have been taken, and it has been determined that emergency acceptance by DOE is required to eliminate a significant threat to public health and safety because all other available options for disposing of the material have been exhausted.

- b. In general, this procedure is intended for situations involving discrete sources at a single location, or locations that are closely related geographically or functionally. Other situations shall be evaluated on a case-by-case basis.
- c. DOE will retrieve inadequately-controlled radioactive material that has been traced to a DOE facility or prime contractor. For material licensed by NRC or an Agreement State, DOE has agreed to accept the material only when it is clear that the material is causing, or has high potential to cause, a significant threat to public health and safety; and the responsible licensee is not available, or not capable of adequately controlling it.
- d. NRC shall always make the initial request to DOE for emergency acceptance of material licensed by NRC or an Agreement State. Agreement States should not contact DOE directly.

06.02 Requesting Emergency Acceptance by DOE

- a. Agreement States requesting emergency acceptance of State-licensed material shall contact the NRC. The Agreement State should recount and document a chronology of events, discuss results of actions taken to identify a responsible licensee and dispose of the material, provide a description of the material, and designate a point-of-contact (POC). The information required to request emergency acceptance by DOE is outlined in Exhibit 1.
- b. If all the above information is received by the NRC and determined to be sufficient to request DOE assistance, NRC personnel shall prepare a letter to the Deputy Assistant Secretary for Waste Management, DOE, Washington DC 20545, requesting that DOE accept management of the material, and forwarding a summary of the information listed above.
- c. The state point of contact will follow the requirements in the NRC's Manual Chapter 1303.

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EXHIBIT 1  
INFORMATION FOR DOE REQUESTS

**General:**

Office/Division, Region (RI, RII, RIII, RIV), or State initiating request:

Point-of-Contact:

Phone/Fax/Email:

Possessor's Name (Company or Individual):

Contact Name (possessor):

Phone/Fax/Email:

Possessor's Address:

Exact location of material (address, if different than above, and location within facility):

Describe the current security of the material (e.g., in a locked room, file cabinet, etc.):

Additional Notes:

State Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT: IF THE MATERIAL IS POSSESSED BY A LICENSEE NO LONGER  
ABLE TO ADEQUATELY CONTROL IT, YOU MUST ATTACH A COPY OF THE  
LICENSE LISTING THE MATERIAL.**

**Device and Source Details:**

Include as much information as possible for each discrete source or device. Attach additional sheets as necessary.

Source List:

	Form of Material (ceramic matrix, pellets, etc.)	Nuclide	Activity	Assay Date
1				
2				
3				

Provide the waste classification of the material in accordance with 10 CFR 61.55:  
[The Branch Technical Position (BTP) on Waste Concentration Averaging should be considered when determining the waste classification (ML033630732)]

For devices, provide the total weight (in pounds or kilograms) of any depleted uranium used as shielding:

For Neutron Sources, provide Target Element [e.g., Beryllium (Be)]:

If the material is possessed by a licensee that will provide for the transport of the material to DOE, provide a description of the approved transportation package and any special handling tools necessary to remove the material from the transport package:

A. Device Containing a Sealed Source: Information must be provided for each device. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. Complete Section B for the sealed source. If more than one device, attach additional sheets or repeat Section A block as necessary.

Device Manufacturer:  
Device Model Number:  
Device Serial Number:  
SSD Device Registration Certificate Number (if known):  
Date of manufacture or age of device (if known):  
Weight of device (including any DU shielding):  
Physical dimensions of device:  
Device condition: Damaged: \_\_\_ Intact: \_\_\_ Contaminated (isotope):

B. Sealed Source: Information must be provided for each source. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. If more than one source, attach additional sheets or repeat Section A block as necessary.

Is this sealed source associated with the device above (specify device if more than one)? Sealed Source Manufacturer:

Sealed Source Model Number:  
Sealed Source Serial Number:  
SSD Source Registration Certificate Number (if known):  
Is the source special form (if known)?  
Physical Dimensions of source/source holder:  
Date of manufacture or age of source (if known):  
Isotope:  
Assay Date:  
Activity:  
IAEA Source Categorization (at time of request):  
Source condition: Leaking: \_\_\_\_ Damaged: \_\_\_\_ Intact:  
**Attach most recent leak test results (within last 6 months), if available:**

**IMPORTANT: The owner of the material should make in a letter, or be prepared to make upon DOE receipt, the following certification (including the warning statement).**

I, the undersigned, certify the transfer of ownership to the U.S. Department of Energy (DOE) of [clearly identify material], and assert that the radioactive material has not been acquired solely to make it eligible for acceptance by the DOE.

I certify that this application is prepared in conformity with Title 10, Code of Federal Regulations, Parts [list applicable parts, i.e., 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70] and that all information, contained herein, is true and correct to the best of my knowledge and belief.

SIGNATURE OF CERTIFYING OFFICER:

DATE:

NAME (TYPE OR PRINT):

TITLE (TYPE OR PRINT):

WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat.749 makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

## NJDEP - BER 7.04

### REQUESTING EMERGENCY ACCEPTANCE OF RADIOACTIVE MATERIAL BY THE U.S. DEPARTMENT OF ENERGY (DOE)

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#### 01 PURPOSE

To establish procedures for requesting emergency assistance from the U.S. Department of Energy (DOE) in retrieving and storing inadequately-controlled, radioactive material licensed by NRC or an Agreement State.

#### 02 OBJECTIVE

To ensure adequate protection of the public health and safety from radiation hazards arising from situations in which (1) radioactive material licensed by NRC or an Agreement State is discovered to be inadequately controlled; and (2) appropriate governmental actions are needed because of the lack of a capable licensee.

#### 03 APPLICABILITY

This applies to the NJDEP's Bureau of Environmental Radiation.

#### 04 DEFINITIONS

04.01 Inadequately-Controlled Radioactive Material. Byproduct, source or special nuclear material, licensed by NRC or an Agreement State, that is (1) in the possession of an unlicensed party, (2) in the possession of a licensee not authorized to possess the material, or (3) in the possession of a licensee authorized to possess the material, but for which there is little confidence that the licensee will be able to continue to maintain appropriate security of the material.

Examples of such situations are abandoned sources or devices containing sources that are traceable to a licensee that cannot take control of the material; unauthorized transfer of licensed material by or to licensees; and licensed material in the possession of licensees or former licensees who are unable to adequately control the material.

04.02 Emergency Situation. For the purpose of requesting emergency acceptance by DOE, an emergency situation is a situation that is causing, or has high potential to cause, a significant health and safety risk to members of the general public.

#### 05 RESPONSIBILITIES AND AUTHORITIES

Manager, Bureau of Environmental Radiation (BER)

- a. Determines when a situation involves licensed material lacking a capable licensee to control it, and requests DOE emergency acceptance in accordance with this manual chapter.
- b. Assign a point-of-contact to coordinate DOE retrieval of licensed material (normally, this would be the Supervisor of the Radioactive Materials Section or designee).

#### 06 BASIC REQUIREMENTS

##### 06.01 General Guidance

a. Guidance for immediate response actions is contained in the Radioactive Material and Radiological Assessment Team manual and the New Jersey Radiation Response Protocol. This procedure contains the steps to be followed after any immediate actions to secure inadequately controlled material have been taken, and it has been determined that emergency acceptance by DOE is required to eliminate a significant threat to public health and safety because all other available options for disposing of the material have been exhausted.

b. In general, this procedure is intended for situations involving discrete sources at a single location, or locations that are closely related geographically or functionally. Other situations shall be evaluated on a case-by-case basis.

c. DOE will retrieve inadequately-controlled radioactive material that has been traced to a DOE facility or prime contractor. For material licensed by NRC or an Agreement State, DOE has agreed to accept the material only when it is clear that the material is causing, or has high potential to cause, a significant threat to public health and safety; and the responsible licensee is not available, or not capable of adequately controlling it.

d. NRC shall always make the initial request to DOE for emergency acceptance of material licensed by NRC or an Agreement State. Agreement States should not contact DOE directly.

#### 06.02 Requesting Emergency Acceptance by DOE

a. Agreement States requesting emergency acceptance of State-licensed material shall contact the NRC. The Agreement State should recount and document a chronology of events, discuss results of actions taken to identify a responsible licensee and dispose of the material, provide a description of the material, and designate a point-of-contact (POC). The information required to request emergency acceptance by DOE is outlined in Exhibit I.

b. If all the above information is received by the NRC and determined to be sufficient to request DOE assistance, NRC personnel shall prepare a letter to the Deputy Assistant Secretary for Waste Management, DOE, Washington DC 20545, requesting that DOE accept management of the material, and forwarding a summary of the information listed above.

c. The state point of contact will follow the requirements in the NRC's Manual Chapter 1303.

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EXHIBIT 1  
INFORMATION FOR DOE REQUESTS

**General:**

Office/Division, Region (RI, RII, RIII, RIV), or State initiating request:

Point-of-Contact:

Phone/Fax/Email:

Possessor's Name (Company or Individual):

Contact Name (possessor):

Phone/Fax/Email:

Possessor's Address:

Exact location of material (address, if different than above, and location within facility):

Describe the current security of the material (e.g., in a locked room, file cabinet, etc.):

Additional Notes:

State Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT: IF THE MATERIAL IS POSSESSED BY A LICENSEE NO LONGER  
ABLE TO ADEQUATELY CONTROL IT, YOU MUST ATTACH A COPY OF THE  
LICENSE LISTING THE MATERIAL.**

**Device and Source Details:**

Include as much information as possible for each discrete source or device. Attach additional sheets as necessary.

Source List:

	Form of Material (ceramic matrix, pellets, etc.)	Nuclide	Activity	Assay Date
1				
2				
3				

Provide the waste classification of the material in accordance with 10 CFR 61.55:  
[The Branch Technical Position (BTP) on Waste Concentration Averaging should be considered when determining the waste classification (ML033630732)].

For devices, provide the total weight (in pounds or kilograms) of any depleted uranium used as shielding:

For Neutron Sources, provide Target Element [e.g., Beryllium (Be)]:

If the material is possessed by a licensee that will provide for the transport of the material to DOE, provide a description of the approved transportation package and any special handling tools necessary to remove the material from the transport package:

A. Device Containing a Sealed Source: Information must be provided for each device. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. Complete Section B for the sealed source. If more than one device, attach additional sheets or repeat Section A block as necessary.

Device Manufacturer:  
Device Model Number:  
Device Serial Number:  
SSD Device Registration Certificate Number (if known):  
Date of manufacture or age of device (if known):  
Weight of device (including any DU shielding):  
Physical dimensions of device:  
Device condition: Damaged: \_\_\_ Intact: \_\_\_ Contaminated (isotope):

B. Sealed Source: Information must be provided for each source. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. If more than one source, attach additional sheets or repeat Section A block as necessary.

Is this sealed source associated with the device above (specify device if more than one)? Sealed Source Manufacturer:

Sealed Source Model Number:  
Sealed Source Serial Number:  
SSD Source Registration Certificate Number (if known):  
Is the source special form (if known)?  
Physical Dimensions of source/source holder:  
Date of manufacture or age of source (if known):  
Isotope:  
Assay Date:  
Activity:  
IAEA Source Categorization (at time of request):  
Source condition: Leaking: \_\_\_\_\_ Damaged: \_\_\_\_\_ Intact:  
**Attach most recent leak test results (within last 6 months), if available:**

**IMPORTANT: The owner of the material should make in a letter, or be prepared to make upon DOE receipt, the following certification (including the warning statement).**

I, the undersigned, certify the transfer of ownership to the U.S. Department of Energy (DOE) of [clearly identify material], and assert that the radioactive material has not been acquired solely to make it eligible for acceptance by the DOE.

I certify that this application is prepared in conformity with Title 10, Code of Federal Regulations, Parts [list applicable parts, i.e., 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70] and that all information, contained herein, is true and correct to the best of my knowledge and belief.

SIGNATURE OF CERTIFYING OFFICER:

DATE:

NAME (TYPE OR PRINT):

TITLE (TYPE OR PRINT):

WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat.749 makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

## NJDEP – BER Procedure No. 7.05 Guidance on Reactive or Special Inspections

The NJ Department of Environmental Protection State's "Radioactive Materials and Radiological Assessment Team" manual includes the necessary steps that will be taken to respond to, assess and mitigate any material event that occurs within the State. If the event occurred due to the actions of a licensee, staff and management will decide if a reactive inspection is warranted. Steps the licensee took to minimize the likelihood of a recurrence will be reviewed during this followup inspection. Reach-back capabilities to Federal agencies are included for events that exceed the capabilities of the State. The Bureau of Environmental Radiation, in conjunction with the New Jersey State Police and the New Jersey Office of Counter-Terrorism, also utilizes the "New Jersey Radiological Response Protocol" as a template for the use of radiation detection and isotope identification equipment to classify radioactive substances and ascertain their legitimacy.

Examples that normally require consideration of a special inspection before the next routine inspection (typically within a few weeks) may include the following:

- (a) Medical misadministrations that meet the abnormal occurrence threshold. See MD 8.1, "Abnormal Occurrence Reporting Procedure," and MD 8.10, "NRC Medical Event Assessment Program."
- (b) Release of radioactive material to an unrestricted area in excess of 2 times the concentration limits in 10 CFR 20.1302.
- (c) Disposal of license material in quantities or concentrations in excess of the limits in 10 CFR 20.2003, 2004, or 2005.
- (d) Loss of control of radioactive material that could have caused a member of the public to receive an exposure in excess of the limits in 10 CFR 20.1301.

### Criteria for Conducting Special Inspections

During a special inspection, the RMS Supervisor should make an initial determination of the hazard, the need for further action, and should proceed as follows:

1. Discuss the current status of the incident with the licensee, or if not a licensee, the individual(s) who found the radioactive material.
2. Collect details about the cause of the incident and the incident chronology.
3. Review licensee follow-up actions for consistency with the regulations, license requirements, approved procedures, and the nature of the incident.
4. Evaluate the potential radiological consequences and personnel exposure, using all available.
5. Evaluate the need for a medical consultant, based on the potential radiological consequences and personnel exposure.
6. Determine if proposed licensee actions and plans will provide a safe recovery from the incident and help prevent a recurrence.

### Follow-up Actions

The Team Lead is responsible for the screening, evaluation, follow-up, and closeout of reports of all types of incidents reported by licensees under their cognizance. The regional offices should:

- a. Use the Nuclear Medical Event Database (NMED) system to track, review, and follow up written reports of incidents. Initial input of entries is handled by central office.
- b. Document all types of reports of incidents in an inspection report or other type of record. Corrective actions should be tracked to completion.

#### Documentation Guidance

Any follow-up actions that the staff takes on a reported incident should be summarized in writing and maintained in an official regional file.

#### Examine Regulatory Significance of Incident

Examine regulatory significance of the incident and close out the DEP response, considering the following factors:

- a. Possibility of generic implications.
- b. Value of documented case study
- C. Need to prevent recurrence.
- d. Possible need for new rulemaking.

## FOLLOW-UP ACTIONS AND ACTION LEVELS FOR RADIATION EXPOSURES ASSOCIATED WITH INCIDENTS INVOLVING MEMBERS OF THE PUBLIC

### 01 PURPOSE

To provide advice and guidance on a course of action to follow in case of incidents involving radiation exposure to members of the public. The guidance provided in this document is for Bureau of Environmental Radiation (BER) staff to use in responding to incidents that do not require activation of the Department's Nuclear Power Station Emergency Response Plan. It is specifically for use after actions have been taken to prevent the source of exposure from further affecting the public, and it is intended for use as initial guidance, when situations arise.

### 02 OBJECTIVES

To ensure that correct follow-up action is taken when there is an incident involving radiation exposure to members of the public.

### 03 DEFINITIONS

03.01 Agreement State. A state that has signed an agreement with the NRC under which the State regulates the use of by-product, source and small quantities of special nuclear material and NARM within that state.

03.02 Member of the Public. Any individual except when that individual is receiving an occupational dose

03.03 Radioactive Material in the Public Domain. Any radioactive material, subject to NRC or Agreement State jurisdiction, for which control in accordance with NRC or Agreement State regulations or with applicable license conditions is not being implemented, and which may, or have already resulted in, radiation exposures to members of the public.

### 04 APPLICABILITY

This procedure applies to BER staff.

### 05 RESPONSIBILITY

The Incident Team Leader shall have the lead responsibility for follow-up actions for incidents involving radiation exposure to members of the public, unless directed otherwise.

### 06 GENERAL GUIDANCE

Incidents involving radiation sources are, by nature, event-specific. Because the conditions surrounding each incident are unique, follow-up action must be developed on a case-by-case basis. The information provided in this procedure is meant to be a guide, and should not be used in isolation of other guidance for incidents and basic radiation safety principles. Staff should use the other guidance as deemed appropriate for responding to radioactive source incidents, including incident assessment; dose assessment if individuals are exposed to radiation; need for medical consultants;

interaction with other Federal, State and local government agencies; types of inspections, etc.

This guidance includes procedures direct staff to: (1) evaluate the potential or actual exposure of a member of the public, (2) keep public exposures as low as possible, and (3) evaluate the potential radiological consequences and personnel exposures. With any incident, staff will be working closely with any known licensees involved with the incident. If a responsible licensee is not immediately known, general response procedures are outlined in RAMRAT manual and the Radiation Response Protocol which include descriptions of which Federal, State or local entity would be in charge under various circumstances. The purpose of MC 1302 is to provide additional information and dose ranges/guidance if members of the public are exposed to radiation. Also, there are additional references in Attachment 1 regarding dose limits and radiation exposures.

Some incidents may be considered abnormal occurrences. NRC submits an abnormal occurrence report to Congress annually. The report, NUREG-0090, "Report to Congress on Abnormal Occurrences," includes the criteria for abnormal occurrences. As part of an incident assessment involving radiation exposure to members of the public, Central Office should also provide appropriate information to the NRC State Liaison in accordance with current procedures for submitting incidents considered possible Abnormal Occurrences.

#### 06.01 Specific Guidance

The guidance is intended for incidents involving radiation sources and not for routine, non-accident operations. The regulations have specific limits for exposures to members of the public. The dose limit for members of the public is given in Section 20.1301, "Dose limits for individual members of the public." Licensees are to conduct operations so that the limits in Section 20.1301 are not exceeded for members of the public. Currently, the public dose limit is 1 mSv (100 mrem). Section 20.1301 (c) allows a licensee to permit visitors to an individual who is undergoing medical treatment and cannot be released under Section 35.75 to receive a dose not to exceed 5 mSv (500 mrem). Note that any accidental exposures to members of the public may be investigated, depending on the nature of the exposure, regardless of the dose. However, exposures from routine operations, for example, when material is disposed or released via effluents in accordance with the regulations, would not be part of the scope of this.

If a licensee is required to report to the Department, under 10 CFR Section 20.2202, "Notification of incidents," and Section 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits," the licensee is responsible, in accordance with Section 19.13(d), for notifying and providing an exposure report to any individuals that were exposed. Depending on the circumstances of the incident, BER may also notify the affected individuals. For example, BER might notify individual(s) if the staff believes that the licensee response is not adequate, a responsible licensee is not known at the time, or the staff wants to make sure the individual(s) are getting complete information. A list of the type of information that

should be included in any notification to a member of the public is provided in Attachment 2.

The actual doses to members of the public are likely to be uncertain, especially during the initial follow-up after an incident. Doses will usually be estimated in a dose range or a maximum dose based on the circumstances of the incident. For this reason, it is important to talk with exposed individuals because this can help the staff in assessing the incident and in estimating the dose'.

Depending on the nature of the incident, further analysis of the estimated dose may be necessary, using techniques such as bioassays, whole body counting, and cytogenetic analysis, and should be considered as the estimated doses approach 10-20 rem and up. In evaluating the need for these types of analyses, staff should keep in mind that performing the study can help reassure an individual who was exposed to radiation, but it can also increase the anxiety about the exposure. Therefore, staff should be sensitive to this and use their best judgment in deciding when to recommend cytogenetic analysis.

Because people are often more anxious about radiation exposure than with other hazards and risks, staff should be especially sensitive when providing information about the incident and the estimated doses. Staff must be as factual as possible about characterizing the dose based on available information, without causing undue stress. Staff should not discuss medical issues or provide medical advice to exposed individuals. Instead, staff should refer individuals to their personal physicians.

#### 06.02 Dose Ranges and Guidance

##### 1. Dose Range from 0 to 1 mSv (100 mrem)

Exposures with estimated doses in this range are within the public dose limit in 10 CFR Part 20. There are no regulatory requirements requiring reporting and notifications. Typically, no further action is needed, but the need for additional action must be evaluated based on the specific incident.

##### 2. Dose Range from 1 mSv (100 mrem) to 50 mSv (5 rem)

In cases when the estimated dose is between 1 and 50 mSv (100 mrem and 5 rem), staff will need to determine if a medical consultant is necessary. If a medical consultant is necessary, the medical consultant will determine whether or not a medical evaluation of exposed individuals is necessary. Staff should not discuss medical issues with an individual who was exposed, or provide medical advice. Instead, if an individual expresses concern or wishes additional information on possible medical affects, staff should refer the individual to his/her personal physician or to the department's medical consultant, if DEP has consulted with one to analyze the incident. If additional assistance is needed, BER staff can call the Radiation Emergency Assistance Center/Training Site (REAC/TS). Information on REAC/TS is provided below in Attachment 3, "Medical Assistance in Radiation Exposure Emergencies."

##### 3. Dose Range Greater than 50 mSv (5 rem)

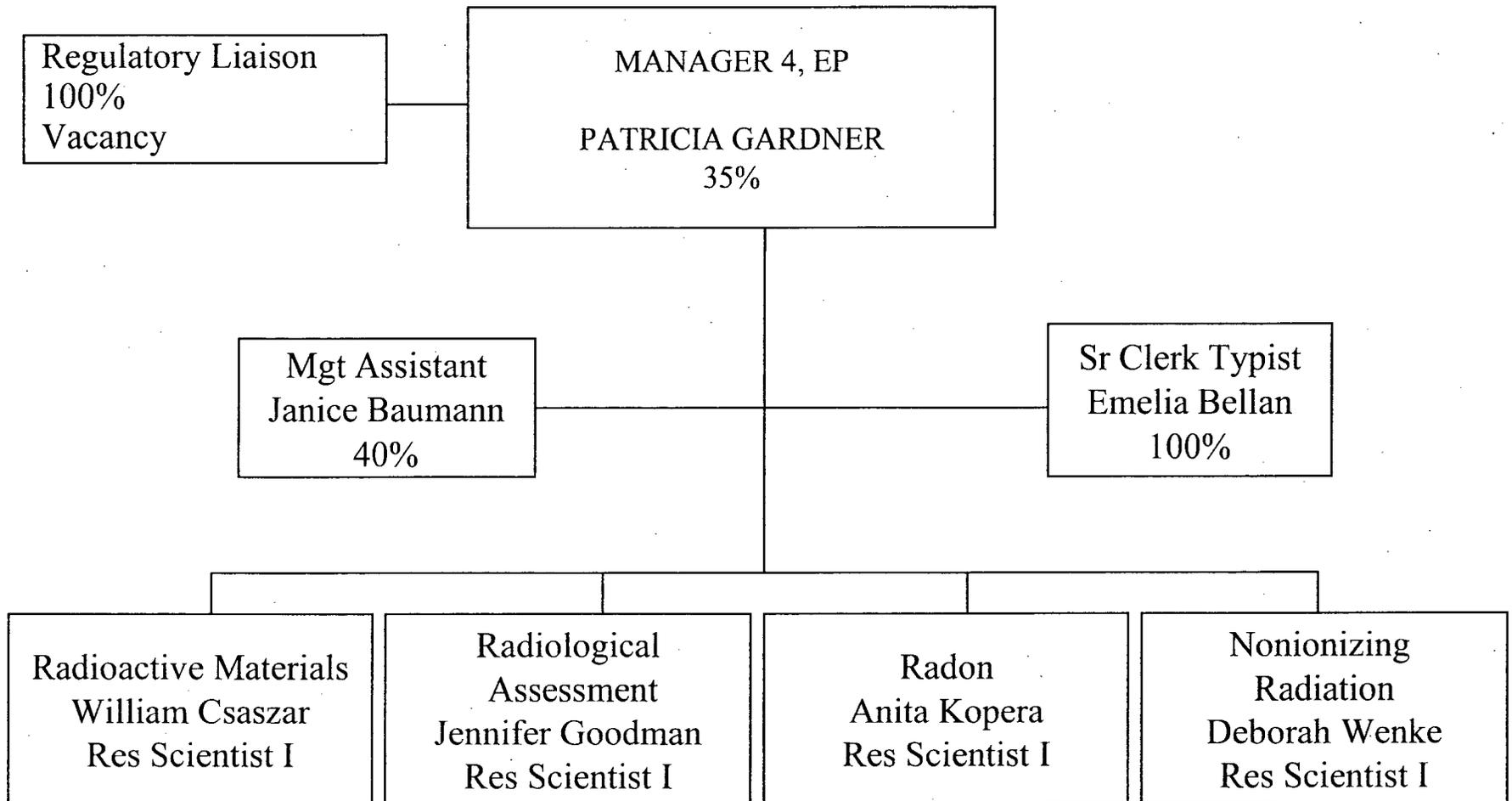
For estimated doses that appear to be over 50 mSv (5 rem), assess the incident following the guidance in 2. above. If the calculated effective dose equivalent is more than 100 mSv (10 rem), further medical evaluation should be considered. Depending on the

circumstances of the incident, a medical consultant may be brought in, the exposed individual will be referred to his/her personal physician, and/or REAC/TS may be consulted for additional guidance. At dose estimates in this range, and approaching 200 mSv (20 rem), the need for further analysis of the dose, as discussed above, should be evaluated.

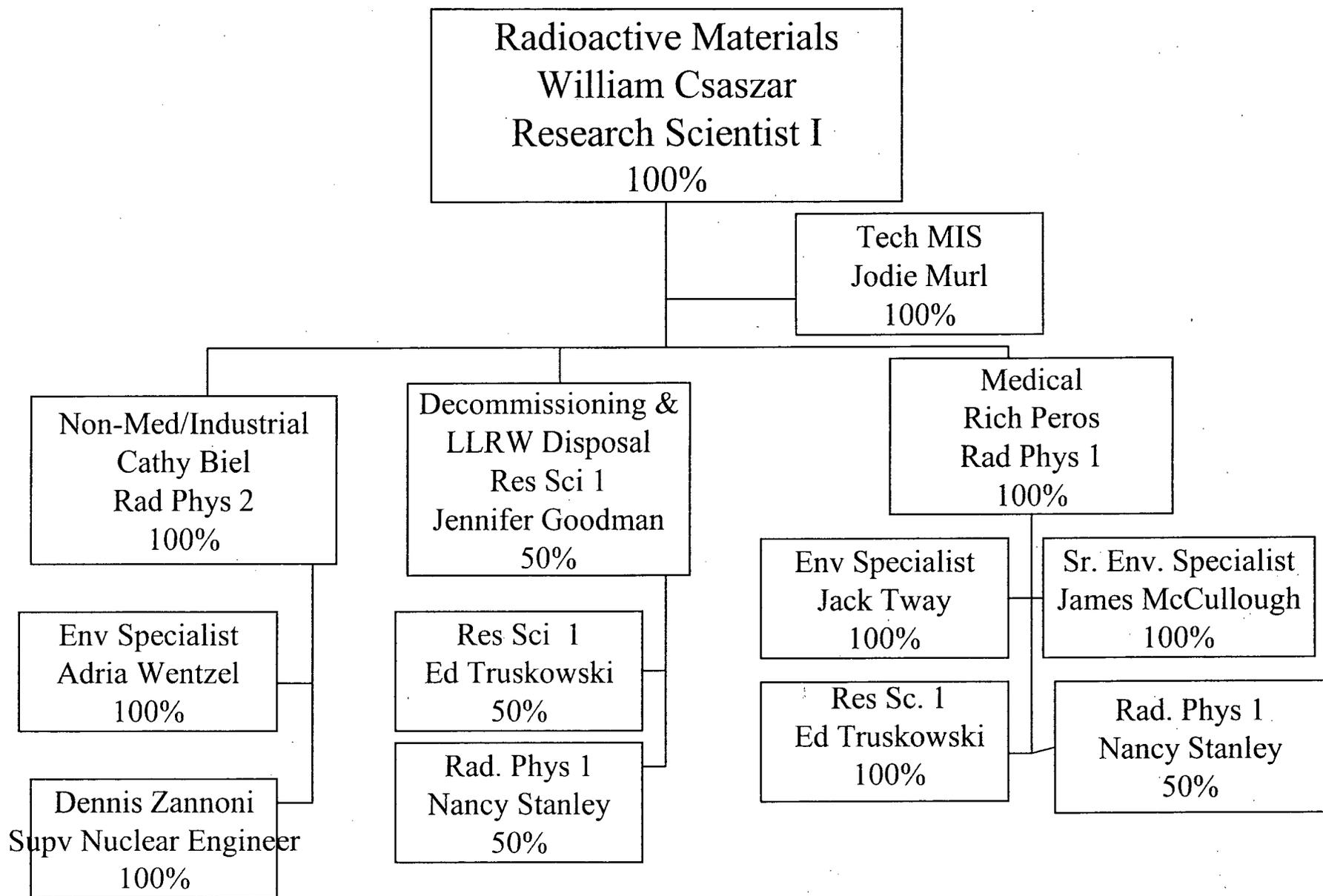
#### 4. Members of the Public Who Are Pregnant

Information regarding the disclosure of pregnancy must be on a voluntary basis because of issues involving individual privacy. If, in the course of evaluating an incident involving exposures to members of the public, staff is informed by a female member of the public that she is pregnant, the follow-up action is essentially the same as in 1. through 3. above, extending the evaluation to look at the impact on the embryo/fetus. A medical consultant will probably be asked to evaluate the incident and the likely dose to the embryo/fetus. As stated previously, staff should not discuss medical issues or provide medical advice to the woman, but should refer her to her personal physician. Additional information on exposures to the embryo/fetus can be found in: 1) NRC Regulatory Guide 8.13, "Instruction Concerning Prenatal Radiation Exposure," and 2) National Council on Radiation Protection and Measurements Report No. 128, "Radionuclide Exposure of the Embryo/Fetus." Additionally, staff may get additional guidance if needed from REAC/TS.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL REGULATION  
DIVISION OF ENVIRONMENTAL SAFETY & HEALTH  
RADIATION PROTECTION & RELEASE PREVENTION ELEMENT  
**BUREAU OF ENVIRONMENTAL RADIATION**



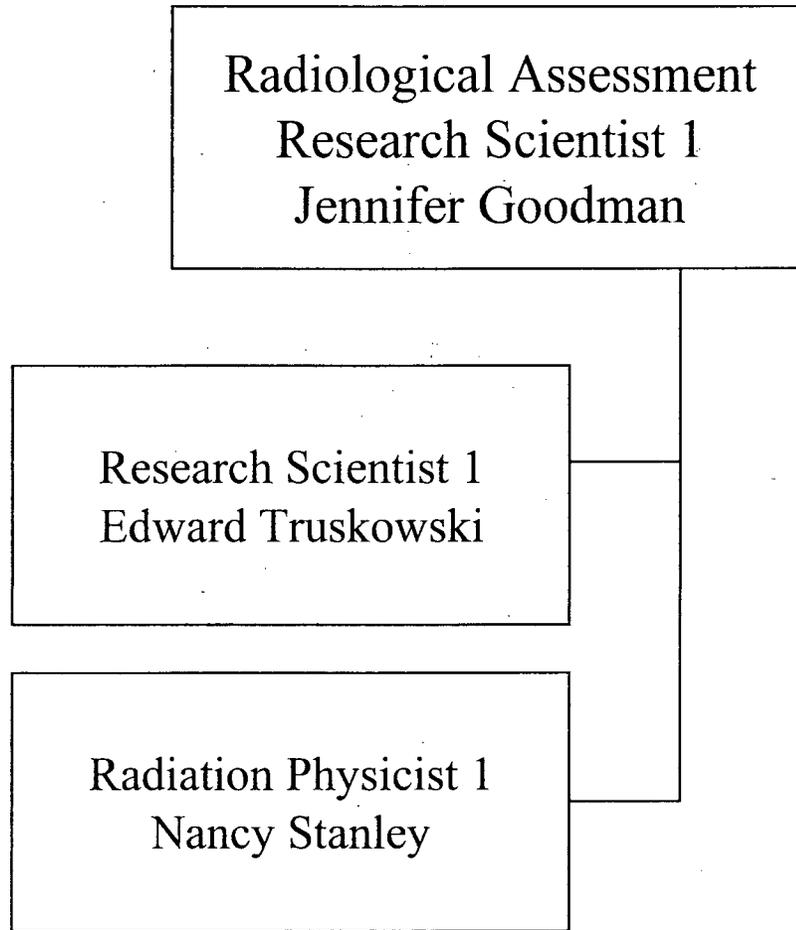
# Proposed Agreement State Staffing and Organization

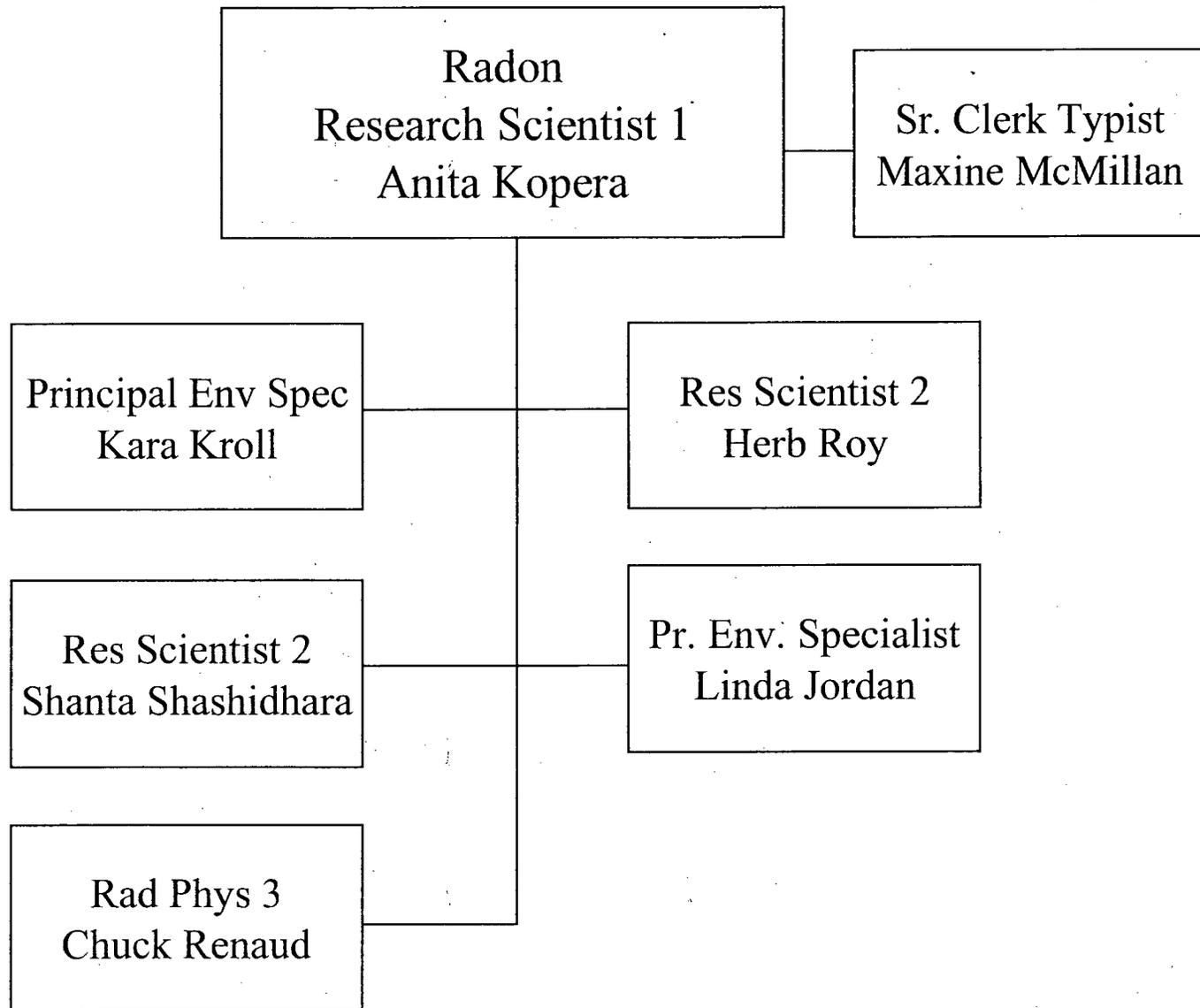


Radiological Assessment  
Research Scientist 1  
Jennifer Goodman

Research Scientist 1  
Edward Truskowski

Radiation Physicist 1  
Nancy Stanley





Nonionizing Radiation  
Research Scientist 1  
Deborah Wenke

Program Specialist 2  
(Vacant)

### 4.3.1 MATERIALS LICENSING

#### Summary

The licensing program is outlined in the combination of the *Licensing Procedures* (Section 4.3.1 of the application), the *NJEMS Procedures Manual* (Section 4.3.2 of the application), and the *Training and Qualification Manual* (Section 4.6.2 of the application) to form a critical part of the Department's overall radioactive materials regulatory program. These procedures provide the information necessary for licensing staff to process, manage, and track licensing activities.

The New Jersey Environmental Management System (NJEMS) is a database system used by the New Jersey Department of Environmental Protection to centrally locate information regarding licenses, inspection information, enforcement actions and incidents (<http://depnet/njems/index.htm>). The system currently supports the Bureau of Environmental Radiation's enforcement records and documentation. Development of the portion of this system that will handle review, issuance and tracking of Licensing and Registration documentation to support the proposed Agreement State activities is continuing. An integral part of the licensing process is the Department's ability to track licensing actions. The New Jersey Environmental Management System (NJEMS) will be used by the BER to support collection and review of license applications, as well as monitoring reports and enforcement actions. Once in place (projected date early 2009), this one database will be the digital repository for licensing, inspection, enforcement, and incidents information and permit us to generate and track documents relating to these tasks.

The *Training and Qualification Manual* (Section 4.6.2) documents the license reviewer's qualification progress as well as the steps taken to qualify that individual. The *Training and Qualification Manual* contains an outline of the minimum activities expected by the BER manager and the Radioactive Materials Section (RMS) Supervisor.

The Qualified License Reviewer/Inspector (QLR/I) is required to use the *Licensing Procedures*, *NUREG-1556, Consolidated Guidance About Materials Licenses*, and the *NJEMS Procedures Manual* as he or she is processing and reviewing license applications, amendments, and renewals. Part of the qualified license reviewer's continuing quality assurance is the ability to demonstrate proper use and implementation of this manual and all associated procedures and guidance documents.

#### Legal Authority

The New Jersey Department of Environmental Protection (DEP) derives its authority from the Radiation Protection Act (New Jersey Statutes Annotated Title 26:2D-1 et seq), and its regulations are contained in the Radiation Protection Code (New Jersey Administrative Code Title 7 Chapter 28).

#### 4.3.1 Procedures for the Technical Evaluation of Proposed Uses of Radioactive Material

The Radioactive Materials Section (RMS) of the Bureau of Environmental Radiation (BER) is responsible for establishing written licensing procedures for the safe use, storage, and possession of licensed materials. Technical procedures that have been modeled on NRC procedures along with standard review plans, checklists and policies, will assure the applications are thoroughly and equitably evaluated. Source material licensing procedures will be developed for any future Source Material licenses. At such time that a facility requests a license for source material the generic licensing and inspection procedures will be modified based on the following list of documents.

NUREG-1620 Standard Review Plan for the Review of a Reclamation Plan for Mill Tailing Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978
NUREG-1609 Standard Review Plan for Transportation Packages for Radioactive Material
Standard Format and Content for Emergency Plans for Fuel Cycles and Materials Facilities - Regulatory Guide 3.67
Guide for the Preparation of Applications for Licenses To Process Source Material - Regulatory Guide 10.4
Division 3, Fuels and Materials Facilities
Division 4, Environmental and Siting
Division 8, Occupational Health
Consolidated Guidance About Materials Licenses (NUREG-1556) Volume 20 - Guidance About Administrative Licensing Procedures

Presently, New Jersey has only one Source Material licensee that is undergoing decommissioning and does not expect any applications for new source material licenses.

The procedures and criteria that will be used to evaluate the use of radioactive materials are included in this section. Pre-licensing guidance and the Risk-Significant Radioactive Material (RSRM) guidance are an essential component of a licensing program. The objective of RSRM guidance is to identify those licenses that require additional security requirements that are currently in Security Orders and Increased Controls. The RMS will be following the pre-licensing guidance provided in the NRC Agreement State letter dated September 22, 2008 – Requesting Implementation of the Checklist to Provide a Basis for Confidence That Radioactive Material Will be Used as Specified On a License and the Checklist for Risk-Significant Radioactive Material (RCPD-08-020). This document is Attachment 3 to NJDEP-BER Procedure No. 3.01 and is considered Official Use Only – Sensitive Unclassified Non-Safeguards Information (SUNSI).

The procedures included in this section of the application for processing of licensing actions are as follow:

BER 3.01 – Review of Application for License or Amendment Request

Attachment 1 - Guidance/Checklist for Risk-Significant Radioactive Materials  
(Not Provided due to Sensitive Nature)  
Attachment 2 - Checklist for determining when significant licensing action has  
taken place that may require an additional onsite inspection  
BER 3.02 - Review of Application for Renewal of a Specific License  
BER 3.03 - Review of a Request for License Termination  
BER 3.04 - Prioritization of Licensing Actions  
BER 3.05 - Review of Annual Registration of Generally Licensed Devices  
Appendix A - Licensing Forms  
Appendix B - Sample Letters  
License Conditions  
    Fingerprinting  
    Increased Control  
    National Source Tracking System

Deleted: Attachment 1 - Checklist for  
review of license application(s)

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### Withholding Correspondence

On January 8, 2002, amendments to New Jersey's Open Public Records Act (OPRA) placed new obligations on all State agencies related to providing information to the public. The unqualified access to certain government records can threaten the lives, health, and safety of the citizens of the State and endanger public and private property. The filing of proposed new rule N.J.A.C. 13:1F-1.5 establishes standards for use at all levels of government for determining access to a government record on a record specific and/or request specific basis where there is a bona fide security concern. Since the filing of the proposed rule in 2004, the NJDEP is exempted from the OPRA requirements based on domestic security issues. The NJDEP views all information concerning radioactive material licensee activities as a domestic security issue. Therefore, no procedure regarding withholding information is required.

The required qualifications of license reviewers can be found in the *Training and Qualification Manual*, section 4.6.2 of the application.

#### 4.6.1 Technical Staff Organization

The Bureau of Environmental Radiation has conducted an analysis of the expected workload, and established an appropriate staffing plan. Included in this section are the number, distribution and types of radioactive materials licenses, organization charts and breakdown of the Radioactive Materials and Radiological Assessment Sections. The sections are organized into medical and non-medical/industrial and decommissioning areas. Staff will be responsible for both licensing and inspection responsibilities in the respective areas. There will be 13.25 FTE assigned to the Agreement State Program.

There are approximately 500 NRC specific licenses in New Jersey. The RMS conducts a licensing and inspection program for 504 NARM users. When the NRC and state licenses are combined it is estimated that there will be approximately 700 specific licenses in New Jersey. In addition, there are over 400 general license registrations.

New Jersey's Agreement State staffing plan allocates a total of 13.25 FTE for the agreement state materials program. Twelve staff members, including the RMS supervisor and two administrative support personnel will devote 100% of their time to Agreement State Program activities. An additional three staff members will provide 1.25 FTE towards agreement state program activities.

The BER Bureau Chief plans on spending 35% of her time to the agreement state program, including management review of certain actions, personnel responsibilities, rule development and other management duties. The RMS Supervisor plans to devote 100% of his time to the agreement state program, including management review of licensing and inspection actions, personnel responsibilities, rule development, accompaniment of inspectors for annual management review, general supervision and other management duties. The RMS Supervisor will provide the day-to-day supervision of the agreement state program.

There are various official Civil Service title series used in the Bureau of Environmental Radiation. These include the Radiation Physicist, Research Scientist and Environmental Specialist series. These titles are used by a variety of programs within the Department of Environmental Protection. These series have similar education and experience requirements and track in similar progressions. The Research Scientist series has a minimum education requirement of a Master Degree, while the other series require a Bachelor Degree.

In addition to the Civil Service official titles, programs use working titles. The working title relates to the actual work performed by the individual. The working titles for staff working in the Agreement State Program regardless of their official civil service title are defined in the job specifications and performance evaluations listed in Section 4.6.1.3. Once New Jersey becomes an Agreement State, staff working in the program will get revised performance evaluations using the new Agreement State working title job specifications.

Included in Section 4.6.1 are:

- Staffing Analysis
- Staffing Plan
- Example Job Specification
- Example Performance Evaluations

#### 4.7.1 Procedures for Responding to Events and Allegations

The response to a materials event will be as per the procedures that are included in the State's "Radioactive Materials and Radiological Assessment Team" manual. This document includes the necessary steps that will be taken to respond to, assess and mitigate any material event that occurs within the State. Reach-back capabilities to Federal agencies are included for events that exceed the capabilities of the State. If the event occurred due to the actions of a licensee, staff and management will decide if a reactive inspection is warranted. Steps the licensee took to minimize the likelihood of a recurrence will be reviewed during this followup inspection. If a generic problem that could affect multiple licensees is discovered, information related to the particular issue will be made available to potentially impacted licensees. A list of radiological instrumentation is included as Attachment 8 to SOP RR-101.

The Bureau of Environmental Radiation maintains access to the services of the New Jersey Department of Health and Senior Services' (DHSS) Environmental and Chemical Laboratory Services (ECLS) for any radioanalytical services it may need as part of incident response efforts. Included is a parameter and method list for radioactive materials. Also included is the current price list for the specified methods.

As part of its response capabilities, the Bureau of Environmental Radiation also maintains procedures to issue United States Department of Transportation (DOT) exemptions for previously unrecognized radioactive material so it will be in compliance with DOT requirements.

The Bureau of Environmental Radiation, in conjunction with the New Jersey State Police and the New Jersey Office of Counter-Terrorism, utilizes the "New Jersey Radiological Response Protocol" as a template for the use of radiation detection and isotope identification equipment to classify radioactive substances and ascertain their legitimacy. **Because of the sensitive nature of this document, and its classification For Official Use Only, it is not for distribution to any other party.**

Included in the Application is the NJ Department of Environmental Protection State's "Radioactive Materials and Radiological Assessment Team" manual. This document includes the necessary steps that will be taken to respond to, assess and mitigate any material event that occurs within the State. If the event occurred due to the actions of a licensee, staff and management will decide if a reactive inspection is warranted. Steps the licensee took to minimize the likelihood of a recurrence will be reviewed during this followup inspection. Reach-back capabilities to Federal agencies are included for events that exceed the capabilities of the State.

\_\_\_\_ New Jersey's Department of Environmental Protection's Radiation Protection and Release Prevention Element maintains an agreement with the Conference of Radiation Control Program Directors (CRCPD) to be a member of the National Orphan Radioactive Material Disposition Program, allowing the Bureau of Environmental Radiation to assist an individual or firm in the disposition of unwanted sources.

Allegations of improper activities will be investigated in a timely manner. If the allegation is confirmed, appropriate action will be taken to address the situation. Severe infractions can be discussed with, and potentially referred to, the State Office of the Attorney General, if so warranted.

Included in Section 4.7.1 are:

Radioactive Materials Radiological Assessment Team Manual

- SOP RR-101 Notification, Initial Response and Mobilization
- SOP RR-102 On-Scene Radiological Response
- SOP RR-103 Radiological Assessment and Protective Action Guidance

New Jersey Department of Health & Senior Services Radioanalytical Services Laboratory overview

- NJDHSS price list

SOP 7.01 Procedure for Issuance of US DOT Exemptions

Attachment 1 - U.S.D.O.T. Exemption E-10656 (Contaminated Metal or Recycling Material)

Attachment 2 - U.S.D.O.T. Exemption E-11406 (Contaminated Trash or Refuse Material)

Attachment 3 - Procedures for Notifications Made By Waste Facilities That Involve Trash Contaminated With Radioactive Material

SOP 7.02 Management of Allegations

SOP 7.03 Instrument Calibration and Quality Assurance Program

SOP 7.04 Requesting Emergency Acceptance of Radioactive Material by the U.S. Department of Energy

SOP 7.05 Guidance on Reactive or Special Inspections

SOP 7.06 BER – 7.06 Follow-up Actions and Action Levels for Radiation Exposures Associated with Incidents Involving Members of the Public

Introduction to CRCPD National Radioactive Material Disposition Program materials

- CRCPD National Radioactive Material Disposition Program

Inspection Procedure 92702 Followup on Enforcement Actions