



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RADIATION PROTECTION ELEMENT
BUREAU OF ENVIRONMENTAL RADIATION

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November 9, 2015

Pamela J. Henderson, Deputy Director
Division Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the revisions to the proposed New Jersey Radiation Protection Rules N.J.A.C. 7:28. The proposed revisions were made available for public comment on October 19, 2015 with a request for comments by December 28, 2015. We request NRC's comments by December 28, 2015. The proposed regulations are identified by line-in/line-out text (or similar identification) and correspond to the following equivalent amendments to NRC's regulations.

RATS ID	Title	State Section
2013-1	Physical Protection of Byproduct Material	N.J.A.C. 7:28-1.6, 65.1
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions	N.J.A.C. 7:28-1.6, 58.1, and 60.1
2015-1	Domestic Licensing of Special Nuclear Material Written Reports and Clarifying Amendments Part 70	N.J.A.C. 7:28-1.6
2015-2	Safeguards Information – Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150	N.J.A.C. 7:28-1.6

2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71	N.J.A.C. 7:28-1.6 and 61.1(c)1.ix.
2015-4	Miscellaneous Corrections, Parts 37 and 40	N.J.A.C. 7:28-1.6

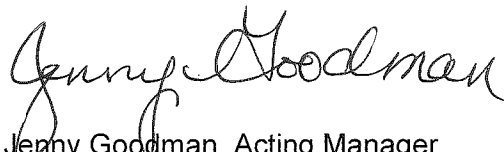
We believe that adoption of these revisions, specifically the generic incorporations specified in proposed N.J.A.C. 7:28-1.6 satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

Because these generic incorporations were not done when the agreement state regulations were first promulgated in 2008, it may be confusing to review. Therefore, 10 CFR 30.33(a)(4) will be used as an example. Because N.J.A.C. 7:28-1.6(i) contains replacement language in Table 1, there is no need to amend N.J.A.C. 7:28-51.1(c)40 to read 10 CFR 30.33(a)(4), replace "parts 32 through [36] 37 and 39" with "N.J.A.C. 7:28-53 through 57, [and], 63 and 65". The generic incorporation by reference automatically incorporates the new NRC language and translates the NRC parts into subchapters. This is why N.J.A.C. 7:28-1.6 is included in the State Section column for all of the outstanding RATS IDs. In the case of RATS ID 2014-1, no changes were required for Subchapters 6 (Part 20), 51 (Part 30), 53 (Part 32), 54 (Part 33), 55, (Part 35), 56 (Part 36), 57, (Part 39), 61 (Part 71), or 63 (Part 34) because all changes are automatically incorporated as per N.J.A.C. 7:28-1.6.

RATS ID 2015-3 illustrates when a rule change is necessary. Because "Commission" in 10 CFR 71.106 means the Nuclear Regulatory Commission, this section had to be added to N.J.A.C. 7:28-61.1(c)1.ix. If this section was not amended, then the generic incorporation would hold and "Commission" would have the meaning of "Department".

If you have any questions, please feel free to contact me at 609-984-5498 or jenny.goodman@dep.nj.gov.

Sincerely,



Jenny Goodman, Acting Manager
Bureau of Environmental Radiation

Enclosures sent previously