

May 18, 2009

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS – SECY-09-0065 – PROPOSED
AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND
THE COMMISSION PURSUANT TO SECTION 274 OF THE
ATOMIC ENERGY ACT OF 1954, AS AMENDED

The Commission has approved the staff's recommendation to publish the proposed agreement with the State of New Jersey in the Federal Register once a week for four consecutive weeks, subject to the comments and changes noted below.

1. The following changes should be made to the Federal Register notice:
 - a. Page 2, DATES section, change parenthetical statement to read "(insert 30 days after date of first publication)."
 - b. Page 3, third full paragraph, last sentence, replace "the requirement" with "that requirement."
 - c. Page 3, section I. Background, second sentence, delete "as defined in Section 11z. of the Act."
 - d. Page 3, section I. Background, second sentence, delete "as defined in Section 11aa. of the Act."
 - e. Page 5, paragraph (c), last sentence, place a hyphen between the words "State" and "issued."
 - f. Page 7, 3rd and 4th lines, add the ADAMS accession number or the NRC public website address where FSME Procedure SA-700 can be found so that the document is easily retrievable by a member of the public.

SECY NOTE: THE SUBJECT SECY PAPER, THE INDIVIDUAL COMMISSIONER VOTES AND THIS SRM WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS AFTER PUBLICATION OF FEDERAL REGISTER NOTICE

g. Page 10, paragraph (i), revise second sentence to read: “State Statute contains a provision that laws provides for....”

h. Page 10, paragraph (i) second to last sentence, insert "NJDEP" before "rules".

i. Page 10, last paragraph, revise line 4 to read ‘... provides exemptions’

2. The following changes should be made to the Draft Assessment:

a. Page 1, first paragraph, 8th line, place the period inside the quotation marks, Agreement.”

b. In all OBJECTIVES containing the References paragraph, first sentence, place a closed parentheses before the period, i.e., “ML090770116).”

c. Page 4, Objective 7, second paragraph, insert “in” before “10 CFR Part 19.”

d. Page 9, Objective 16, 3rd full paragraph, second sentence, remove the extra space between the words “State” and “staff.”

e. Page 9, Objective 18, 2nd full paragraph, first sentence, change “inspection report to the licensees, both” to “inspection reports to the applicable licensee, both.”

f. Page 9, Objective 18, 2nd full paragraph, second sentence, revise to read: “The State’s procedures identify the staff responsible staff and specify the time limits for preparing the inspection reports, the process for management reviews and approvals, and provide instructions for distribution of the reports to the licensees and to the State’s official files.”

g. Page 12, last full paragraph, third sentence, change “There is” to “There are.”

h. Page 12, last full paragraph, third to last sentence, change “spend” to “devote.”

i. Page 12, last full paragraph, second to last sentence, change “member that will spend 40%” to “member that will devote 40%.”

j. Page 13, 2nd full paragraph under b. Assessment of Staff Qualifications, revise line 3 to read ‘... 28 years of experience, as ...’

k. Page 13, 5th full paragraph under b. Assessment of Staff Qualifications, move commas in the last portion of first sentence to read “and radiation science experience within NJDEP, as well as work in the private sector.”

l. Page 13, 5th full paragraph under b. Assessment of Staff Qualifications, last sentence, change the sentence to read “The technical staff has completed or is scheduled to complete the NRC recommended core courses or have has received waivers from BER based on prior training and experience.” Add a sentence to include a time period by which BER staff will have completed training or will have received waivers based on prior training and experience.

m. Page 13, 6th full paragraph, remove the comma between the words “State” and “and.”

n. Page 14, Objective 21, 2nd paragraph, first sentence, revise as follows: “The NRC staff review did not ~~note~~ identify any aspects of the proposed State’s Agreement State Program that could potentially interfere with duties imposed on a holder of materials by the NRC.”

o. Page 16, 2nd line, add a space between the words “duplicate” and “regulation.”

p. Page 16, 1st full paragraph, change the last sentence to read “The staff determined that the State regulations specifically exclude any areas in which the jurisdiction of the NRC or another Federal agency is exclusive, and also gives sufficient assurance against duplicate regulation between the State and the NRC in the regulation of Agreement Material.”

q. Page 19, center the Title “Staff Conclusion” between the left and right margins.

r. Page 19, last sentence, replace “State” with “Agreement State Program.”

cc: Chairman Jaczko
Commissioner Lyons
Commissioner Klein
Commissioner Svinicki
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR