



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

August 13, 2014

Ms. Jenny Goodman, Acting Manager
Bureau of Environmental Radiation
P.O. Box 420, Mail Code 25-01
Trenton, NJ 08625

Dear Ms. Goodman:

We have reviewed the final revision to the New Jersey Radiation Protection Rules, received by our office on May 30, 2014. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the seven amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on August 12, 2014.

As a result of our review, we have four comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by New Jersey, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The SRS Data Sheet summarizes our knowledge of the status of other New Jersey regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME Web site: <http://nrc-stp.ornl.gov/rulemaking.html>.

J. Goodman

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (Kathleen.Schneider@nrc.gov) or Donna Janda at (610) 337-5371 (Donna.Janda@nrc.gov).

Sincerely,

/RA DWhite for/

Susan Abraham, Acting Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Compatibility Comments
2. New Jersey SRS Data Sheet

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DIR RF (14-29)
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New Jersey File

Incoming Document: ML14148A131

OFFICE	RI/DNMS	ASPB	OGC	ASPB	MSSA
NAME	DJanda	KSchneider	BJones	DWhite	DWhite for SAbraham
DATE	7/23/14	7/23/14	8/6/14	8/13/14	8/13/14

ML14203A183

OFFICIAL RECORD COPY

Package ML14148A028

COMPATIBILITY COMMENTS ON NEW JERSEY FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	7:28-6.1 (d)19.	20.1406(c)	2011-1	C	<p>Standards for Protection Against Radiation</p> <p>7:28-6.1(a) states that “Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 20”. However, in addition to 7:28-6.1(b) and (c), 7:28-6.1(d) incorporates 10 CFR Part 20 by reference with specified changes.</p> <p>New Jersey needs to add 7:28-6.1(d) to the exceptions noted in 7:28-6.1(a) to meet the Compatibility Category C designation assigned to 10 CFR 20.1406(c).</p>
2	7:28-6.1 (d)21.	20.1501(b)	2011-1	H&S	<p>Standards for Protection Against Radiation</p> <p>7:28-6.1(a) states that “Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 20”. However, in addition to 7:28-6.1(b) and (c), 7:28-6.1(d) incorporates 10 CFR Part 20 by reference with specified changes.</p> <p>New Jersey needs to add 7:28-6.1(d) to the exceptions noted in 7:28-6.1(a) to meet the Category H&S designation assigned to 10 CFR 20.1501(b).</p>
3	7:28-58.1 (c)23.	40.36(d)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>7:28-58.1(c)23. states that New Jersey incorporates 10 CFR 40.36 (d)(1)(B) by reference with specified changes. This is an incorrect citation.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>The correct citation is 10 CFR 40.36(d)(1)(i)(B).</p> <p>New Jersey needs to make the above change to meet the Category H&S designation assigned to 10 CFR 40.36(d).</p>
4	7:28-60.1 (c)14.	70.25(e)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>7:28-60.1(c)14. states that New Jersey incorporates 10 CFR 70.25 (e)(1)(B) by reference with specified changes. This is an incorrect citation. The correct citation is 10 CFR 70.25(e)(1)(i)(B).</p> <p>New Jersey needs to make the above change to meet the Category H&S designation assigned to 10 CFR 70.25(e).</p>

STATE REGULATION STATUS

State: New Jersey

Tracking Ticket Number: 14-29

[7 amendment(s) reviewed is identified by a *
at the beginning of the equivalent NRC requirement.]

Date: August 13, 2014

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1 – 2009-1	55 FR 843; 56 FR 11504; 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; 56 FR 64980; 56 FR 34104; 57 FR 45566; 58 FR 39628; 58 FR 7715; 58 FR 33886; 58 FR 68726; 59 FR 1618; 59 FR 28220; 59 FR 36026; 59 FR 61767; 59 FR 65243; 60 FR 322; 60 FR 7900; 60 FR 15649; 60 FR 25983; 60 FR 28323; 60 FR 36038; 60 FR 38235; 60 FR 48623; 60 FR 50248; 61 FR 28724; 61 FR 1109; 61 FR 24669; 61 FR 65120; 62 FR 1662; 62 FR 4120; 62 FR 5907; 62 FR 28947; 62 FR 39057; 62 FR 63634; 63 FR 1890; 63 FR 13773; 63 FR 29535; 63 FR 31604; 63 FR 37059; 63 FR 39477; 63 FR 45393; 63 FR 50127; 64 FR 17506; 64 FR 42269; 64 FR 54543; 64 FR 55524; 65 FR 20337; 65 FR 63750; 65 FR 79162; 67 FR 16298; 67 FR 20249; 68 FR 57327; 69 FR 3697; 70 FR 2001; 70 FR 16336; 71 FR 1926; 70 FR 72128; 71 FR 15005; 71 FR 65685; 71 FR 65685; 72 FR 59162; 72 FR 45147; 72 FR 54207; 72 FR 58473; 72 FR 55864; 72 FR 70901; 72 FR 68043; 74 FR 33901	N/A	10/16/08 ML090510716	Comments 03/13/09 ML090510003	New Jersey submitted an application for Agreement State Status on October 16, 2008 (see Incoming Package ML). This package contained a final version of all New Jersey's regulations which will be used once the Agreement between NRC and New Jersey is effective. Comments from the 3/13/2009 comment letter are addressed in the 4/18/2013 submission And response (see ML13108A246 and ML13119A402).
*2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML14148A131	No Comments 08/13/2014 ML14148A028	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
*2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015	Final ML14148A131	Comments 08/13/2014 ML14148A028	
*2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Final ML14148A131	No Comments 08/13/2014 ML14148A028	
*2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	05/23/2014 ML14148A131	No Comments 08/13/2014 ML14148A028	
*2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Final ML14148A131	No Comments 08/13/2014 ML14148A028	
*2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015	Final ML14148A131	No Comments 08/13/2014 ML14148A028	
*2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Final ML14148A131	No Comments 08/13/2014 ML14148A028	
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310	08/27/2016			
*N/A	10 CFR 19.4, 32.1, 35.60 and 70.73	N/A	Final ML14148A131	No Comments 08/13/2014 ML14148A028	