



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

June 13, 2017

Jennifer Goodman, Manager  
Bureau of Environmental Radiation  
Department of Environmental Protection  
P.O. Box 420, Mail Code 25-01  
Trenton, NJ 08625

Dear Ms. Goodman:

A periodic meeting with you and your staff was held on May 3, 2017. The purpose of this meeting was to review and discuss the status of the New Jersey Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by James Trapp and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371 or via e-mail at [Donna.Janda@nrc.gov](mailto:Donna.Janda@nrc.gov) to discuss your concerns.

Sincerely,

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Donna M. Janda  
Regional State Agreements Officer  
Division of Nuclear Materials Safety

Enclosure:  
Periodic Meeting Summary for New Jersey

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL RADIATION

DATE OF MEETING: May 3, 2017

<b>U.S. Nuclear Regulatory Commission (NRC) Attendees</b>	<b>New Jersey Department of Environmental Protection Attendees</b>
James Trapp, Director, Division of Nuclear Materials Safety, Region I	Paul Orlando, Director, Air Quality, Energy and Sustainability, Division of Energy Security and Sustainability
Donna Janda, State Agreements Officer, Region I	Jennifer Goodman, Manager, Bureau of Environmental Radiation
	Catherine Biel, Supervisor, Industrial Section
	Deborah Wenke, Supervisor, Medical Section
	Richard Peros, Medical Section
	Joseph Power, Industrial Section
	Jack Tway, Industrial Section
	Nancy Stanley, Medical Section
	Edward Truskowski, Medical Section

**DISCUSSION:**

During the 2015 Integrated Materials Performance Evaluation Program (IMPEP) review of the New Jersey Agreement State Program (Program) conducted on April 20 - 24, 2015, the review team found the State's performance satisfactory for all indicators. The review team did not make any recommendations regarding program performance.

On July 13, 2015, the Management Review Board (MRB) found the Program adequate to protect public health and safety and compatible with the NRC's program. The MRB directed that a periodic meeting be held tentatively in April 2017 and the next full IMPEP review be held in April 2019. This report is a summary of the periodic meeting.

**TOPICS COVERED DURING THE MEETING INCLUDED:**

**Organization**

The New Jersey Agreement State Program is administered by the Bureau of Environmental Radiation (the Bureau), in the Division of Energy Security and Sustainability (the Division). The Division is part of the New Jersey Department of Environmental Protection. The Program has not been reorganized since the 2015 IMPEP review. The Program is managed by the Bureau Manager and two supervisors.

**Program Budget/Funding**

The radioactive materials program is fully fee funded. The most recent fee increase was in 2011. At the time of this meeting, the Program did not anticipate any fee increases in the near future. The Program has not had any budget cuts since the 2015 IMPEP review.

### Feedback on the NRC's Program

The Program noted that there is good communication and support from NRC. The Program also appreciates the training courses and opportunities provided by NRC.

The Program has been following up on non-military radium sites which were on a list provided by NRC. The Program noted that it is a challenge to follow up when little information on the sites is available. The Program is interested in NRC's plan on addressing cleanup for contamination identified on residential properties. On May 17, 2017, the RSAO provided the Program Manager with a link to the public SECY paper that discussed the options for decommissioning non-military radium sites.

The Program noted that many NRC documents are currently out for comment. These documents are not typically provided in a red-line strikeout version. The Program would appreciate having access to the marked up versions of the documents (especially NUREG guidance documents) to facilitate the review. The RSAO provided this feedback to NMSS for follow up.

### Technical Staffing and Training (2015 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program devoted 12 staff members to the radioactive materials program, including the Program Manager and supervisors, for a total of approximately 11 full-time equivalents. Since the 2015 IMPEP review, one technical staff position was filled for approximately 9 months and has now been vacant since January 2017. The position will be posted shortly. The State does not currently have a hiring freeze in effect; however, the Program must demonstrate that an open position is for a critical hire before approval to fill the position will be granted. Two technical staff members are currently undergoing qualification training. The Program implements NRC Inspection Manual Chapter (IMC) 1248 for its qualification training program.

### Status of Materials Inspection Program (2015 IMPEP: Satisfactory)

The Program reported it has conducted 181 Priority 1, 2, and 3 inspections and 39 initial inspections since the 2015 IMPEP review. No Priority 1, 2, 3 or initial inspections were completed overdue. No inspections are currently overdue. The Program has increased the inspection frequency for portable and fixed gauge licenses from a five year interval to a three year interval.

The Program conducted 34 percent of candidate reciprocity inspections in calendar year 2015 (April through December) and 26 percent of candidate reciprocity inspections in calendar year 2016.

### Technical Quality of Inspections (2015 IMPEP: Satisfactory)

The Program's goal is to perform a minimum of one supervisory accompaniment per inspector each calendar year. In calendar years 2015 and 2016, Program supervisors and/or the Program Manager performed supervisory accompaniments at least once for each inspector.

The Program uses inspection procedures that are consistent with the inspection guidance outlined in IMC 2800. Inspection reports are reviewed by a supervisor or other qualified inspector. Inspection findings are routinely sent to licensees within 30 days of completing an inspection.

The Program has assigned one experienced inspector as the lead inspector for Part 37 inspections. The Program has 28 licensees subject to Part 37 requirements. The Program has a qualification program for inspectors to complete prior to performing independent Part 37 inspections.

#### Technical Quality of Licensing Actions (2015 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program reported having approximately 570 specific licenses. The Program has completed 807 licensing actions since the April 2015 IMPEP review. All licensing actions receive either a supervisory review or a peer review prior to being issued. The Program Manager reviews 10 percent of licensing actions as a secondary quality assurance check.

#### Technical Quality of Incidents and Allegation Activities (2015 IMPEP: Satisfactory)

At the time of this meeting, the Program had reported 21 incidents to NRC since the 2015 IMPEP review. Event follow up actions are assigned to an inspector and tracked through completion.

The Program uses procedures equivalent to the NRC's allegation procedures for processing allegations. The Program received and responded to eight allegations since the last IMPEP review. No allegations were transferred by NRC.

#### Compatibility Requirements (2015 IMPEP: Satisfactory)

At the time of this meeting, the Program had no legislative changes that affected the Program. The Program had no regulation amendments overdue for adoption. The State's administrative rulemaking process takes approximately two years from drafting to finalizing a rule, including time for public comments. The State's rules and regulations are subject to "sunset" laws every seven years, with the next sunset due in 2020.

#### Current State Initiatives

- The Program conducted a one-on-one evaluation of each inspector's proficiency with radiation detection instruments used by the Program. The inspectors and managers noted that this evaluation was beneficial in identifying areas for improvement.
- The Program is drafting a brochure on safety culture to be distributed to New Jersey radioactive materials licensees. The Program has been using the NRC safety culture brochure and, believing it to be a valuable tool, decided to develop their own version.
- The Program conducted inspections of every general licensee in New Jersey with registered devices. The inspections identified various violations of Part 31 requirements,

a couple of lost sources, and some devices not being used. This successful initiative resulted in a decrease of the number of registrants from 84 to 61.

#### Emerging Technologies

- The Program has issued two ICON gamma knife amendments.
- The Program has licensed one Ge/Ga generator and is interested in knowing if NRC will be sending out clarification on the financial assurance requirements for these generators. The RSAO has provided this request for information to NMSS for follow up.

#### Large, Complicated or Unusual Authorizations

- The Program received an application for use of Lu-177, which was a complicated licensing action due to the involvement of members of the public.
- The Program revoked the materials license for a private practice physician. While attempting to account for the sources onsite, the Program responded to a trash call and the sources were found in the load of trash. The former licensee is now in the State of Florida. The Program informed the Florida radioactive materials program of the issue with the former licensee.

#### State's Mechanisms to Evaluate Performance

- The Program holds biweekly staff meetings to discuss the current status of licensing actions and inspections.
- Program supervisors monitor metrics on inspection reports and licensing actions on a weekly basis.
- Supervisors or other qualified individuals review each inspection report and licensing action. The Program Manager conducts a quality assurance review of 10 percent of the licensing actions.
- The Program conducts an annual assessment of Program activities (similar to a small scale IMPEP review).
- Supervisory inspection accompaniments for all inspection staff are conducted at least annually. The supervisors provide prompt feedback to the inspectors after the accompaniments.

### NRC Current Initiatives

Current NRC initiatives discussed included:

- Policy Statement on Adequacy and Compatibility
- Implementation of 15-year license renewal terms
- Category 3 Source Security and Accountability Working Group Activities
- Inspection Manual Chapter 2800 changes

### CONCLUSIONS:

The New Jersey Agreement State Program continues to be an effective, well maintained program. There was one vacancy at the time of the periodic meeting. The Program is effectively managing its licensing and inspection activities and responds to incidents and allegations as appropriate.

NRC staff recommends that the next IMPEP review be conducted as scheduled in April 2019.