

-*Federal Register* Notice for the proposed

Agreement between the State of New Jersey and the U.S. Nuclear Regulatory Commission (NRC).

**Background:** Governor Corzine, on behalf of the State of New Jersey, has submitted a request that the NRC enter into an Agreement with the State pursuant to Section 274 of the Atomic Energy Act of 1954, as amended. Under the proposed Agreement, the State would assume responsibility for regulating byproduct material, source material and special nuclear material in quantities not sufficient to

Office of Federal and State Materials  
and Environmental Management Programs

er Notice

[7590-

Enclosure



















(i) Cooperation with Other Agencies. State laws provide for the recognition of existing NRC and

### III. Staff Conclusion

Section 274d of the Act provides that the Commission shall enter into an Agreement under Section 274b with a State if:

(a) The Governor of the State certifies that the State has a program for the control of radiation hazards adequate to protect public health and safety with respect to the Agreement materials within the State, and that the State desires to assume regulatory responsibility for the Agreement materials;

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o, and in all other respects compatible with the Commission's program for the regulation of materials, and that the State program is adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

The NRC staff has reviewed the proposed Agreement, the certification by the State of New Jersey in the application for the Agreement submitted by Governor Corzine on October 16, 2008, and the supporting information provided by NJDEP, BER, and concludes that the State of New Jersey satisfies the criteria in the Commission's policy statement "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," and meets the requirements of Section 274 of the Act.





WHEREAS, The Commission found on [date] that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for ~~protection against hazards of radiation~~ and,

Commission and the State recognize the desirability of the reciprocal

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### ARTICLE III

With the exception of those activities identified in Article II, paragraphs 1 through 4, this Agreement may be amended, upon application by the State and approval by the Commission, to



requiring immediate action to protect public health and safety and the State has failed to take