



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

February 7, 2020

Jenny Goodman, Manager
New Jersey Department of
Environmental Protection
Bureau of Environmental Radiation
Mail Code 25-01
P.O. Box 420
Trenton, NJ 08625-0420

Dear Ms. Goodman:

We have reviewed the final revisions to the New Jersey regulations 7:28, Subchapters 1, 58, 61, 63, and 65, received by our office on January 27, 2020. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2018-3, 2019-1, and 2019-2 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on January 31, 2020.

As a result of our review, we have one comment related to compatibility, and one comment not related to compatibility 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 Nuclear Material Safety and Safeguards (NMSS) 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 NMSS 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, Security, State, and Tribal Programs, NMSS. 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 NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

J.Goodman

-2-

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 Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 or Michelle.Beardsley@nrc.gov or Kathy Modes at (215) 872-5804 or (Kathy.Modes@nrc.gov).

Sincerely,

/RA LCuadrado for/

Kevin Williams, Deputy Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Non-Compatibility Comments
2. New Jersey SRS Data Sheet

COMPATIBILITY COMMENT ON NEW JERSEY FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	N.J.A.C. 7:28 – 65.1(c)	§ 37.23(b)(2)	2018-3 2019-1	B	<p>Access authorization program requirements</p> <p>NJ regulations in 7:28 – 65.1(c) do not state that the oath or affirmation certifications contained in 10 CFR 37.23(b)(2) should be sent to their Department.</p> <p>NJ needs to add the statement indicated above to their regulation in order to meet the Compatibility Category B designation assigned to 10 CFR 37.23(b)(2).</p>

COMMENT NOT RELATED TO COMPATIBILITY

State Section	Comment
N.J.A.C. 7:28 –1.6 Table 1	This Table does not list 10 CFR Part 34. NJ adopted 10 CFR Part 34 by reference and should add their equivalent State section to 10 CFR Part 34 to this Table.

STATE REGULATION STATUS

State: New Jersey

Tracking Ticket Number:

Date: 02/07/2020

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

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	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 Final ML14148A131	Comments 03/13/09 ML090510003 No Comments 08/13/2014 ML14148A028	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 Letter	Outgoing Package	Notes
2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	12/17/2015	Final ML14148A131 Revised Final ML15323A231	Comments 08/13/2014 ML14148A028 No Comments 01/13/2016 ML15323A228	
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 Parts 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 Parts 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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922	03/19/2016	Proposed License Condition ML15274A377 Proposed ML15292A555 Final ML16070A204	No Comments 10/20/2015 ML15274A372 Comments 11/17/15 ML15292A442 No Comments 04/04/16 ML16070A199	NJ addressed Part 37 only
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70 78 FR 32310	08/27/2016	Proposed ML15323A231 Final ML16070A204	Comments 01/13/2016 ML15323A228 No Comments 04/04/16 ML16070A199	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML15323A231 Final ML16070A204 Revised Final ML18032A673	Comment 01/13/2016 ML15323A228 No Comments 04/04/16 ML16070A199 No Comments 03/22/2018 ML18032A632	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML15323A231 Final ML16070A204 Revised Final ML18032A673	Comment 01/13/2016 ML15323A228 No Comments 04/04/16 ML16070A199 No Comments 03/22/2018 ML18032A632	
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Proposed ML15323A231 Final ML16070A204 Revised Proposed ML19150A287	Comments 01/13/2016 ML15323A228 No Comments 04/04/16 ML16070A199 No Comments 07/26/2019 ML19150A277	
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML15323A231 Final ML16070A204 Revised Final ML18032A673	No Comments 01/13/2015 ML15323A228 No Comments 04/04/16 ML16070A199 No Comments 03/22/2018 ML18032A632	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-5	Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018	Final ML18032A673	No Comments 03/22/2018 ML18032A632	
2018-1	Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments Parts 30, 32 and 35	01/14/2022	Proposed ML19150A287	No Comments 07/26/2019 ML19150A277	
2018-2	Miscellaneous Corrections -Organizational Changes Parts 37, 40, 70 and 71	12/21/2021	Final ML19015A213	No Comments 01/28/2019 ML19015A185	
*2018-3	Miscellaneous Corrections Parts 1, 2, 34, 37, 50, 71, 73, and 140	07/30/2022	Final ML20027B386	Comment 02/07/2020 ML20027B300	
*2019-1	Miscellaneous Corrections Parts 2, 21, 37, 50, 52, 73, and 110	12/18/2022	Final ML20027B386	Comment 02/07/2020 ML20027B300	
*2019-2	Organizational Changes and Conforming Amendments Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	12/30/2022	Final ML20027B386	No Comment 02/07/2020 ML20027B300	
N/A	Parts 19.4, 32.1, 35.60 and 70.73	N/A	Final ML14148A131	No Comments 08/13/2014 ML14148A028	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*N/A	N.J.A.C. 7:28-1.5 and 1.6	N/A	Proposed ML15323A231 Final ML16070A204 Proposed ML19150A287	Comments 01/13/2016 ML15323A228 Comment 04/04/16 ML16070A199 No Comment 7/28/2019 ML19150A277	