

## Sollenberger, Dennis

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**From:** Duncan White *-FSME*  
**Sent:** Wednesday, July 16, 2008 8:43 AM  
**To:** Patricia Gardner  
**Cc:** Dennis Sollenberger; Torre Taylor  
**Subject:** RE: NJ REGS

Glad to help. Let us know how it turns out.

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**From:** Patricia Gardner [mailto:Patricia.Gardner@dep.state.nj.us]  
**Sent:** Wednesday, July 16, 2008 8:39 AM  
**To:** Duncan White  
**Subject:** RE: NJ REGS

Duncan - Thanks. Your message supported what we had already sent up. We are revising the application and will discuss any questions with staff.  
Pat

>>> Duncan White <[Duncan.White@nrc.gov](mailto:Duncan.White@nrc.gov)> 7/15/2008 5:39 PM >>>

Pat:

We cannot tell you when you must submit your application, but we can certainly tell how long it will take and what are the implications.

1. The Agreement review schedule. If you look at the attached table from SA-700, the amount of time to process an Agreement once we received your formal Agreement application request is 39 weeks (between 9 and 10 months), provided things run smoothly, your application is nearly perfect, the Commission reviews and votes on the two papers it in a timely manner and you have everyone hired and trained. So, if you want the Agreement by September 30, 2009, the application should be submitted no later than a year before. Use the time line on the table to point out to them the relative inflexibility of the schedule.

2. The NARM waiver expires on August 8, 2009. We have to work out with OGC to prevent a whiplash effect with the NJ NARM licenses. If NJ goes Agreement by October 2009, we believe that there will be no need to transfer the licenses (its less than three months). The longer it goes beyond that time, the more likely the licenses will have to be transferred. This will directly impact you're your NARM licensees.

3. Fees: If the Agreement goes into effect on September 30, 2009, NJ licensees will avoid NRC fees for FY 2010. If the Agreement goes into effect at anytime between October 1, 2009 and March 31, 2010, NRC will charge one half of the annual fee. There is no other proration. See 10 CFR 171.17(b)(2). After April 1, the annual fee for the full year will be collected. Also, the timing of the Agreement to minimize the financial impact on the NJ licensees could impact what we do with NARM (see above).

4. Compatibility: NJ regulations must be compatible with the NRC regulations. Your licensees had the opportunity to review and comment on NRC regulations already. Since you are adopting most NRC regulations by reference, shouldn't this reduce their review time?

Duncan

M/21

**From:** Patricia Gardner [mailto:Patricia.Gardner@dep.state.nj.us]

**Sent:** Tuesday, July 15, 2008 3:51 PM

**To:** Duncan White

**Subject:** NJ REGS

Duncan -

Three organizations have requested an extension to the rule proposal. The comment period is scheduled to end on Friday July 18,2008. Our Asst. Commisisoner Nancy Wittenberg is in agreement with staff that an extension should not be given. She will need to discuss with the Commissioner tomorrow and she was looking for any support the NRC can give us for not extending the deadline and the impact on our schedule for submitting our final package. The parties asking for the extention are related to the NJ Chemical Council. Several represent current NRC licensees.

Thanks

Pat