

Effective Date

- **Q: What was the effective date of the Agreement?**
 - A. September 30, 2009.

- **Q: When and how were New Jersey NRC licensees notified of the effective date of the Agreement?**
 - A. A Notice was published in the New Jersey Register on September 21, 2009, specifying that the regulations that were adopted on September 15, 2008 and were operative as of September 30, 2009, the effective date of the Agreement. In addition, a letter was sent to all State and former NRC licensees.

- **Q: Given the Energy Policy Act of 2005 and the new definition of byproduct material, who will regulate it, New Jersey or NRC?**
 - A. New Jersey will regulate byproduct material.

- **Q: How will New Jersey handle the implementation of new regulations by the NRC?**
 - A. New Jersey has written its regulations in a way that automatically incorporates applicable NRC regulations as of their effective date in the Federal Register. The process is called "incorporation by reference". New Jersey will provide compliance assistance to help licensees and registrants understand and comply with new regulations.

- **Q: Are there any changes to the regulations that were adopted on September 15, 2008?**
 - A. No. There is, however, a package of revised regulations working through the process now. These are not major changes, simply fixing pointers to the NRC regulations, and general housekeeping.

- **Q: Will there be a single regulatory reference printed?**
 - A. No, licensees will need to reference both N.J.A.C. Title 7 Chapter 28 and Title 10 of the Code of Federal Regulations.

Fees and Assessments

- **Q: Are the fees going to change?**
 - A. Yes. The fees in Subchapter 64 Tables 1 and 2 [\(add a link\)](#) will replace the current NARM fees. Some New Jersey fees are higher than the previous NARM fees but less than the corresponding fee categories of the NRC.

- **Q: As an Agreement State will New Jersey charge for inspections as other states do?**
 - A. There will be no inspection fee for a routine inspection. There are fees associated with non-routine, pre-licensing, reactive and reciprocity inspections.

- **Q: Will New Jersey have a registration and annual fee for General Licenses (GL)?**
 - A. Yes. DEP has a General License program now. It will incorporate the new NRC General Licenses.

- **Q: Are the fees for General Licenses set?**
 - A. Yes, the annual fee in Subchapter 64 applies to General Licenses for which a certificate of registration is required (Table 2, Fee Category 5.).
- **Q: Will there be an educational institution fee waiver?**
 - A. No, the New Jersey fee depends on the type of radioactive material license. See Subchapter 64 for New Jersey fees.
- **Q: Does New Jersey have a small business fee category?**
 - A. No.

Reciprocity

- **Q: What is reciprocity?**
 - A. Reciprocity is granted through a General License issued by New Jersey to an out-of-state licensee wanting to work in New Jersey. The requirements to seek reciprocity are outlined in Subchapter 62. The reciprocity fee for New Jersey is in Subchapter 64 (Table 1, Fee Category 16.) For the new New Jersey Agreement State licensees that want to work in another Agreement State, a NRC-regulated state or an in-state federal facility (e.g., Veteran's Administration hospital), apply to that state or NRC for reciprocity. Check with the respective regulator for any applicable fee.
- **Q: How does a New Jersey licensee get reciprocity to work in an NRC state?**
 - A. Call Sheryl Villar of the NRC Region 1 at (610) 337-5239 or (610) 337-5000 and ask to speak to someone about reciprocity.
- **Q: How will reciprocity with New York work?**
 - A. A licensee will have to contact New York or any other Agreement State they wish to bring New Jersey licensed material into that state, just as they do now.
- **Q: I have an NRC license now and I do work all over New Jersey. I also do work on/at Federal facilities in New Jersey. Do I need two licenses?**
 - A. Probably yes. Federal facilities present unusual jurisdictional issues. You will likely need a New Jersey Agreement State license and an NRC license. Please contact us prior to starting work at Federal facilities in New Jersey.
- **Q: How do I apply for reciprocity in New Jersey?**
 - A: Applications for reciprocity are on our website at <http://www.nj.gov/dep/rpp/rms/agreedown/Reciprocity.doc> .
- **Q: How long can I operate in New Jersey after receiving reciprocity?**
 - A: Reciprocity is good for 180 days in a calendar year, meaning if you apply for reciprocity on December 1, 2010, but also plan to operate in New Jersey in January 2011, you will have to apply again to start the 180 clock for 2011, even though you didn't use 180 days in 2010.

▪ **Q: How much will it cost?**

- A: It depends on the activities you are performing and the type of waste. Reciprocity fees are half of the fees for the particular fee category. Reciprocity fees are as follows with the 50% discount already taken into account. The fees can be found under fee categories 4.B. and 4.C. ([link to Fee Table 1](#))

Transportation of Radioactive Material and Waste in New Jersey

▪ **Q: If I am picking up pre-packaged waste, do I need a license or reciprocity in New Jersey?**

A: No, the Department is temporarily suspending the requirement for a license or reciprocity for picking up pre-packaged waste. Please see Information Notice 2011-11-28 for more information.

▪ **Q: What if I am picking up material that will be reclaimed or recycled into other licensed material to be used again. Since it is not going for ultimate disposal at a LLRW facility, do I need reciprocity?**

- A: You will still need reciprocity, but not for disposal or processing of waste. If you are providing a service, such as packaging or the shipping container, then you would request reciprocity as a service provider. This is fee category 3.N.

If the material is packaged according to the applicable US Department of Transportation regulations, the actual shipping company does not need reciprocity unless the source is Category 1.

Licensing

• **Q: Was my NRC license terminated when the New Jersey Agreement took effect?**

- A. No. You should have received a letter from New Jersey stating that your NRC license will be recognized as a New Jersey license until it reaches the NRC expiration date or until New Jersey issues you a new license document. If you did not receive such a letter, call (609) 984-5400. It is our intent to issue new licensing documents to all licensees within 15 months of the effective date of the Agreement.

• **Q: Does a current NRC licensee need to reapply for a NJ license?**

- A. No. All NRC licenses were transferred to NJ on September 30, 2009.

• **Q: Will Radioactive Material and Accelerator licenses and X-ray registrations be combined by New Jersey?**

- A. No, while NRC licenses that overlap with current New Jersey NARM licenses will be combined, accelerator and x-ray registrations will remain separate, as well as their respective inspections.

• **Q: Will license amendments in the pipeline with NRC at or near the effective date of the Agreement be processed by the NRC or New Jersey?**

- A. The NRC provided New Jersey with a list of licensing actions that could not be

completed by September 30, 2009. DEP staff has completed them.

- **Q: Will the existing NRC structure for licensing multiple sites stay the same?**
 - A. Not necessarily; it will depend on the type of license. This will be decided on a case by case basis depending on the business practices.

- **Q: Do new and innovative practices need to be submitted to New Jersey for review?**
 - A. Yes. New Jersey staff will perform the reviews, but may use expert consultants to assist in such evaluations.

- **Q: What forms should I use?**
 - A. Use New Jersey forms, as we have already adapted many NRC forms. However, feel free to use NRC NUREGs, regulation guides and other regulatory guidance documents when filling out New Jersey forms. The NRC preceptorship forms are acceptable (<http://www.nrc.gov/materials/miau/med-use-toolkit.html#forms>)

- **Q: How will distribution licenses be handled?**
 - A. They will be issued a specific license with conditions similar to their NRC license.

- **Q: A Medical Center holds a NRC nuclear pacemaker license SNM-1370. Will this license be handled in the same manner as the NRC Radioactive Materials License and will the State be conducting inspections of the nuclear pacemaker activities similar to those performed by the NRC?**
 - A. The State will now regulate and inspect programs that have byproduct, and/or special nuclear material pacemakers in the same manner as the NRC. These inspections (per MC 2800) require a Telephone contact (priority T) inspection every 5 years, with the exception of initial or reactive inspections.

- **Q. We are on a 5-year cycle now. Can we do a brief license renewal, or will the state expect us to submit a full application?**
 - A. Initial and renewal licenses will be good for 10 years. This is the same cycle used by the NRC. Certain State licensees were directed to submit renewal certifications to the State in order to avoid any difficulties during the transition period. Other State licenses have been proactively extended by one year from the current expiration date for the same reason. Licensees will be informed prior to the expiration of their licenses if they will need to submit full applications.

Inspection/Enforcement

- **Q: What will be the inspection frequency?**
 - A. For most licensees, New Jersey will follow the same inspection priority frequency as NRC.

- **Q: How will Increased Controls be implemented in NJ?**

- A. Increased Controls regulations have been adopted by NJ. Licensees who have implemented the Increased Controls orders will be inspected in accordance with their regular inspection schedule by NJ. The only exceptions are that the NRC will continue to do the Increased Controls inspections at panoramic irradiator and manufacturing and distribution facilities. As required by the NRC, any new license applications that include Increased Controls will be required to implement them prior to issuance of a NJ license.
- **Q: What will happen to our inspection schedule? What if we've just been inspected? Does this agreement reset our "inspection clock"?**
 - A. It depends on the specific situation. If you had a State inspection this year and are due for an NRC inspection next year, you would likely not have an inspection if the State inspection covered all the items the NRC inspection would have reviewed. If, however, the NRC inspection would cover areas the State inspection did not cover, an inspection would likely be conducted to cover the areas not addressed during the State inspection.
- **Q: Will your staff do both inspection and licensing?**
 - A: Yes. Currently, there is a Medical and Industrial specialty group that will do both inspections and licensing.
- **Q: As an Agreement State will New Jersey perform broad scope license inspections?**
 - A: Yes.
- **Q: Will New Jersey schedule inspection of x-ray registrations, accelerator registrations, and Radioactive Material licenses for the same time?**
 - A: No, that is not our policy. Occasionally this may occur due to a specific issue or coincidentally, but Radioactive Material license inspections will be independent and unannounced as usual.
- **Q: Are all inspections unannounced?**
 - A. Pre-licensing visits and "proactive" inspections are generally the only inspections that are announced.
- **Q. Will New Jersey be doing performance-based inspections?**
 - A. Yes.

Decommissioning & Financial Assurance

- **Q: Will you accept formal decommissioning plans that have received final approval by NRC that are still in progress?**
 - A. Not necessarily. The New Jersey regulations regarding decommissioning are in Subchapter 12. The NRC determined that our decommissioning regulations are adequate and compatible with the NRC regulations, but there are differences, so New Jersey will review decommissioning plans on a case by case basis.

- **Q: Where will facility decommissioning be managed?**
 - A. Either the Industrial or Medical Section will manage decommissioning, depending on the facility.
- **Q: How will the transfer of a decommissioning Financial Assurance document from the NRC to New Jersey work?**
 - A. Financial Assurance documents between the NRC and licensees will stay in effect and will not be retired until a new Financial Assurance document is in place between the licensee and New Jersey. Those licensees who currently have financial assurance documents with the NRC must contact the Bureau of Environmental Radiation (BER) concerning the submission of appropriate financial assurance documents to New Jersey. BER has model financial assurance documents for use in New Jersey which will be based on current NRC model financial assurance documents. BER licensing staff will work with licensees to implement new financial assurance documents during a reasonable transition period.

Miscellaneous

- **Q: What data is viewable by the public in NJEMS?**
 - A. Since the terrorist attack on September 11, 2001, the Department has categorically exempted any and all documents submitted to the Department related to active radioactive materials licenses and applications from public disclosure as per the Open Public Records Act (OPRA) as per Executive Order #21:1A - domestic security. Information on terminated licenses is available.
- **Q: Will New Jersey issue a newsletter about enforcement actions like NRC does?**
 - A. No, we will not produce a newsletter. New Jersey will issue press releases on significant events. In addition, as required by NRC, New Jersey will continue to report certain events to NRC, and enter them into its national Nuclear Materials Events Database (NMED). From time to time New Jersey may also issue Information Notices as the NRC does.
- **Q: After the effective date, whom do I call about General License events?**
 - A. You should call the Industrial Section at (609) 984-5557. New Jersey will then notify NRC as required. This applies to any reportable event such as a lost source or over-exposure that occurs under activities regulated by New Jersey.
- **Q: What will the telephone number be for reporting exposures?**
 - A. The Bureau of Environmental Radiation office during regular business hours at 609-984-5462. After hours calls should go to the New Jersey Department of Environmental Protection Hotline at 1-877 WARNDEP.
- **Q: How will the records New Jersey receives from NRC be backed up?**

A. Most of the documentation New Jersey receives from NRC is in NRC's Agencywide Documents Access and Management System (ADAMS) so it will serve as a backup.

• **Q: Is the Sealed Source Device Registry going to remain with NRC?**

- A. Yes. New Jersey did not seek authority for the evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission. However, a license for distribution of sealed sources in New Jersey shall be issued by New Jersey.

• **Q: What are the training requirements for New Jersey inspectors?**

- A. Inspectors and license review staff in New Jersey's Agreement State program receive the exact same training as NRC inspectors.

• **Q. How will particle accelerators that are regulated by the Bureau of Radiological Health (BRH) be affected?**

- A. There will be no affect on BRH inspections of accelerators. However, activation products may necessitate a Radioactive Materials license and financial assurance.

• **Q. Does NJ accept electronic submittals?**

- A. Not yet.

• **Q. What kind of notification will I get when my license is due for renewal?**

- A. You will receive a letter. However, a licensee is ultimately responsible for keeping track of their radioactive materials license and its expiration.

• **Q. Will record retention regulations still apply?**

- A. Yes.