

**CHAPTER 33-10-03.1**  
**RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF**  
**BYPRODUCT MATERIAL**

Section

33-10-03.1-01            Adoption by Reference of Several Sections in 10 Code of Federal Regulations Part 30

**33-10-03.1-01. Adoption by reference of several sections in 10 Code of Federal Regulations part 30.** 10 Code of Federal Regulations 30.1, 30.2, 30.3, 30.4, 30.7, 30.9, 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, 30.18, 30.19, 30.20, 30.21, 30.22, 30.31, 30.32, 30.33, 30.34, 30.35, 30.36, 30.37, 30.38, 30.39, 30.41, 30.50, 30.51, 30.52, 30.53, 30.61, 30.62, 30.70, 30.71, and 30.72 and appendix A through appendix E to part 30 are adopted by reference as they exist on October 1, 2015, with the following exceptions:

1. Not adopted by reference is 10 Code of Federal Regulations 30.21(c), 30.3(b)(1), 30.3(b)(2), 30.3(b)(3), 30.34(d), 30.34(e)(1), 30.34(e)(3), 30.41(b)(6), paragraph (2) of the definition of “commencement of construction”, and paragraph (9)(ii) of the definition of “construction.”
2. Requirements in 10 Code of Federal Regulations part 30 that apply to “byproduct material” also apply to naturally occurring or accelerator-produced radioactive material.
3. Where the words “NRC”, “commission”, “nuclear regulatory commission”, “United States nuclear regulatory commission”, “NRC regional office” or “administrator of the appropriate regional office” appear in 10 Code of Federal Regulations part 30, substitute the words “North Dakota state department of health” except when used in 10 Code of Federal Regulations 30.12, 30.21 (c), 30.34 (h)(1), and 30.50 (c)(1).
4. 10 Code of Federal Regulations 30.7 employee protection also applies to violations of North Dakota Century Code chapters 23-20 and 23-20.1.
5. “Act” includes North Dakota Century Code chapters 23-20 and 23-20.1.
6. North Dakota state form number 8418, “application for radioactive material license”, must be used instead of NRC form 313 as specified in 10 Code of Federal Regulations part 30.
7. North Dakota state form number 8414, “notice to employees”, must be posted instead of United States nuclear regulatory commission form 3 that is specified in 10 Code of Federal Regulations part 30.
8. North Dakota state department of health radioactive material license replaces NRC form 374, “byproduct material license”, as specified in 10 Code of Federal Regulations part 30.

9. North Dakota state form number 18941 “certificate: disposition of radioactive material”, must be used instead of NRC form 314 as specified in 10 Code of Federal Regulations part 30.
10. For references to 10 Code of Federal Regulations part 170, chapter 33-10-11 for applicable fee schedules.

**History:** Effective January 1, 2011; amended effective October 1, 2016.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04