

§ 7:28-50.1

3. (Reserved)
4. The source is used for display purposes only, and does not emit nonionizing radiation;
5. The source is possessed, used or stored by the United States Government; or
6. The source is a microwave oven used to cook food for customers' consumption in locations such as, but not limited to, restaurants, canteens, and other eating establishments, or a microwave oven purchased by a consumer for use in the home.

SUBCHAPTER 49. (RESERVED)

**SUBCHAPTER 50. NOTICES,
INSTRUCTIONS AND REPORTS
TO WORKERS: INSPECTION AND
INVESTIGATIONS**

§ 7:28-50.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 19, Notices, Instructions and Reports to Workers: Inspection and Investigations.

(b) The following provisions of 10 CFR Part 19 are not incorporated by reference. If there is a cross reference to a Federal citation specifically entirely excluded from incorporation, then the cross referenced citation is not incorporated by virtue of the cross reference:

1. 10 CFR 19.5, Communications;
2. 10 CFR 19.8, Information collection requirements: OMB approval;
3. 10 CFR 19.11(b), Posting of notices to workers; and
4. 10 CFR 19.30, Violations.

(c) The following provisions of 10 CFR Part 19 are incorporated by reference with the specified changes:

1. "Atomic Energy Act of 1954" as used in the provisions of Part 19 of the Code of Federal Regulations that are incorporated by reference, shall mean the Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq.;
2. "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 19 of the Code of Federal Regulations that are incorporated by reference, shall mean the New Jersey Department of Environmental Protection, except when specifically noted in this subchapter;
3. 10 CFR 19.2, Scope, delete references to 10 CFR Parts 50, 52, 54, 60, 63, 72, and 76;
4. 10 CFR 19.2(a)(1), replace "parts 30 through 36, 39, 40, 60, 61, 63, 70 or 72 of this chapter" with "N.J.A.C. 7:28-51 through 60, and 63," and delete "

NEW JERSEY ADMINISTRATIVE CODE

including persons licensed to operate a production or utilization facility under parts 50 or 52 of this chapter, persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) under part 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under part 76 of this chapter";

5. 10 CFR 19.2(b), delete "The regulations in this part do not apply to subpoenas issued under 10 CFR 2.702";

6. 10 CFR 19.3, Definitions, "Act" shall mean the Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq.;

7. 10 CFR 19.3, Definitions, "Commission" shall mean the New Jersey Department of Environmental Protection;

8. 10 CFR 19.3, in the definition of "License," replace "in parts 30 through 36, 39, 40, 60, 61, 63, 70, or 72" with "in N.J.A.C. 7:28-51 through 60 and 63";

9. 10 CFR 19.3, in the definition of "Regulated activities," delete "or any title of the Energy Reorganization Act of 1972, as amended";

10. 10 CFR 19.3, in the definition of "Regulated entities," delete ", including (but not limited to) an applicant for or holder of a standard design approval under subpart E of part 52 of this chapter or a standard design certification under subpart B of part 52 of this chapter.";

11. 10 CFR 19.4, replace "Except as specifically authorized by the Commission in writing, no" with "No," and replace "by the General Counsel" with "signed and approved by the Commissioner of the Department,";

12. 10 CFR 19.11(a), Posting of notices to workers, delete "(except for an early site permit under subpart A of part 52 of this chapter, or a holder of a manufacturing license under subpart F or part 52 of this chapter)";

13. 10 CFR 19.11(a)(1), replace "Part 20" with "N.J.A.C. 7:28-6";

14. 10 CFR 19.11(a)(4), replace "pursuant to subpart B of part 2 of this chapter" with "by the Department";

15. 10 CFR 19.11(d), delete "or (b)(1) or (2)";

16. 10 CFR 19.11(e)(1), replace "licensee," with "licensee or," delete "each applicant for or holder of a standard design approval under subpart E of part 52 of this chapter, each applicant for an early site permit under subpart A of part 52 of this chapter, and each applicant for a standard design certification under subpart B of part 52 of this chapter," replace "NRC Form 3" with "Form RPP-14," and replace "August 1997" with "November 2010";

17. 10 CFR 19.11(e)(2), replace "by writing to the Regional Administrator of the appropriate U.S.

RADIATION PROTECTION PROGRAMS

§ 7:28-51.1

Nuclear Regulatory Commission Regional Office listed in appendix D to part 20 or this chapter, by calling (301) 415-7232, via e-mail to forms@nrc.gov, or by visiting the NRC's website at <http://www.nrc.gov> and selecting forms from the index found on the home page" with "contacting the Radioactive Materials Program at the address, phone number, or website listed in N.J.A.C. 7:28-1.5";

18. 10 CFR 19.11(g), delete "or (b)(3)";

19. 10 CFR 19.13(a), replace "10 CFR part 19" with "N.J.A.C. 7:28-50";

20. 10 CFR 19.14(a), Presence of representatives of licensees and regulated entities, and workers during inspections, replace "licensee," with "licensee or," and delete "each applicant for or holder of a standard design approval under subpart E of part 52 of this chapter, each applicant for an early site permit under subpart A of part 52 of this chapter, and each applicant for a standard design certification under subpart B of part 52 of this chapter";

21. 10 CFR 19.16(a), replace "Administrator of the appropriate Commission Regional Office" with "Radioactive Materials Program";

22. 10 CFR 19.16(a) and (b), replace all references to "Regional Office Administrator" with "Radioactive Materials Program";

23. 10 CFR 19.17(a), replace all references to "Executive Director for Operations" with "Manager, Bureau of Environmental Radiation of the Department," and replace "Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland" with "at the address or physical location specified in N.J.A.C. 7:28-1.5(a)," and delete "Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by e-mail to SHD.Resource@nrc.gov; or by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.";

24. 10 CFR 19.17(a) and (b), replace all references to "Administrator of the appropriate Regional Office" with "Supervisor, Radioactive Materials Program";

25. 10 CFR 19.18(b), replace "Office of the General Counsel" with "Office of the Attorney General of New Jersey," and replace all references to "agency" with "State";

26. 10 CFR 19.20, delete "a holder of a certificate of compliance issued under part 76 of this chapter," and replace "parts 30, 40, 50, 52, 54, 60, 61, 63, 70, 72, 76, or 150 of this chapter" with "N.J.A.C. 7:28-51, 58, 59, 60 or 62";

27. 10 CFR 19.31, replace "Commission" with "Department, with approval of the Commission on Radiation Protection," and replace "by law, will not result in undue hazard to life and property" with "in accordance with the provisions of N.J.A.C. 7:28-2.8";

28. 10 CFR 19.32, delete ", or under any title of the Energy Reorganization Act of 1974, as amended" and add "Allegations of discrimination are to be reported to the Division on Civil Rights, Department of Law and Public Safety, 140 East Front Street, P.O. Box 089, Trenton, New Jersey, 08625-089."; and

29. 10 CFR 19.40, delete all of 10 CFR 19.40(a) and (b) and replace with "The Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq., provides for criminal sanctions for violation of any provision of the Act."

(d) For those facilities whose radioactive materials are licensed solely by the Department, NRC Form 3, "Notice to Employees" shall mean the Department's Form RPP-14, "Notice to Employees, Standards for Protection Against Radiation," available from the Department by contacting the Radioactive Materials Program at the address, phone number, or website listed in N.J.A.C. 7:28-1.5.

(e) Those facilities which possess a license from the Department and the NRC for radioactive materials shall post both the NRC's Form 3, "Notice to Employees," and the Department's Form RPP-14, "Notice to Employees, Standards for Protection Against Radiation."

(f) Reports that are to be submitted to the Department pursuant to this subchapter shall be submitted to the address at N.J.A.C. 7:28-1.5.

(g) Requests for adjudicatory hearings shall be made in accordance with N.J.A.C. 7:28-4.17, and requirements governing requests for stay of the effective date of the Department decision for which an adjudicatory hearing is requested are set forth at N.J.A.C. 7:28-4.18.

HISTORY:

Amended by R.2014 d.083, effective May 5, 2014.

See: 45 N.J.R. 806(a), 46 N.J.R. 768(a).

Rewrote the section.

SUBCHAPTER 51. RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

§ 7:28-51.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material.