

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.

(b) The following provisions of 10 CFR Part 30 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 30.3(b) through (d), Activities requiring license;
2. 10 CFR 30.4, Definitions, the following definitions are not incorporated by reference: "Act," "alert," "commencement of construction - paragraph 2," "construction, paragraph 9(ii)," "Department and Department of Energy," "production facility," "site area emergency," and "utilization facility";
3. 10 CFR 30.6, Communications;
4. 10 CFR 30.7(e)(3), Employee Protection;
5. 10 CFR 30.8, Information collection requirements: OMB approval;
6. 10 CFR 30.11(b) and (c), Specific exemptions;
7. 10 CFR 30.21(c), Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans;
8. 10 CFR 30.32(f), Application for specific licenses;
9. 10 CFR 30.33(a)(5), General requirements for issuance of specific license;
10. 10 CFR 30.34(d), (e)(1) and (e)(3), Terms and conditions of licenses;
11. 10 CFR 30.41(b)(6), Transfer of byproduct material;
12. 10 CFR 30.50(c)(3), Reporting Requirements;
13. 10 CFR 30.55, Tritium reports; and
14. 10 CFR 30.63, Violations.

(c) The following provisions of 10 CFR Part 30 are incorporated by reference with the specified changes:

1. 10 CFR 30.1, Scope, replace "in the United States governing domestic licensing of byproduct material under the Atomic Energy Act of 1954, as amended (68 Stat. 919), and under title II of the Energy Reorganization Act of 1974 (88 Stat. 1242), and exemptions from the domestic licensing requirements permitted by Section 81 of the Act" with "in the State of New Jersey where the New Jersey Department of Environmental Protection maintains jurisdiction governing domestic licensing of byproduct material under the Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq.";
2. 10 CFR 30.3(a), replace "part 150 of this chapter" with "N.J.A.C. 7:28-62";
3. 10 CFR 30.4, Definitions, "Commission" shall mean the New Jersey Department of Environmental Protection;
4. "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 30 of the Code of Federal Reg-

ulations that are incorporated by reference, shall mean the New Jersey Department of Environmental Protection, except when specifically noted in this subchapter; and at:

- i. 10 CFR 30.4, Definitions, "Agreement State,"
5. 10 CFR 30.5, replace "Except as specifically authorized by the Commission in writing, no" with "No," and replace "parts 31 through 36 and 39" with "N.J.A.C. 7:28-52 through 57 and 63," and replace "by the General Counsel" with "signed and approved by the Commissioner of the Department";
6. 10 CFR 30.7(a), delete "The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.";
7. 10 CFR 30.7(a)(3), replace "Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended" with "Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq.";
8. 10 CFR 30.7(e)(1), replace "part 19" with "N.J.A.C. 7:28-50";
9. 10 CFR 30.9(b), replace all references to "Administrator of the appropriate Regional Office" with "Supervisor, Radioactive Materials Program";
10. 10 CFR 30.10(b), replace "10 CFR part 2, subpart B" with "N.J.S.A. 26:2D-13";
11. 10 CFR 30.11(a), replace "Commission" with "Department, with approval of the Commission on Radiation Protection," and replace "parts 31 through 36 and 39 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest" with "N.J.A.C. 7:28-52 through 57 and 63 as it determines are authorized in accordance with the provisions of N.J.A.C. 7:28-2.8";
12. 10 CFR 30.11(d), replace all references to "part 61 of this chapter" with "N.J.A.C. 7:28-59";
13. 10 CFR 30.12, "Department" shall mean Department of Energy, "Commission" shall mean U.S. Nuclear Regulatory Commission," and "Act" shall mean the Atomic Energy Act of 1974;
14. 10 CFR 30.13, replace "parts 31 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-52 through 57 and 63" and delete "section 81 of";
15. 10 CFR 30.14(a), delete "section 81 of" and replace "parts 31 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-52 through 57 and 63";
16. 10 CFR 30.14(c), delete "section 81 of," replace "parts 31 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-52 through 57 and 63," and add "the Department or" after "holding a specific license issued by";
17. 10 CFR 30.14(c), "Commission" shall mean the U.S. Nuclear Regulatory Commission;

18. 10 CFR 30.14(d), add "or the U.S. NRC" after "Agreement State" and replace "§ 32.11 of this chapter" with "N.J.A.C. 7:28-53";

19. 10 CFR 30.15(a), delete "section 81 of" and replace "parts 20 and 30 through 36 and 39" with "N.J.A.C. 7:28-6 and 51 through 57";

20. 10 CFR 30.15(a)(2)(iii), "Commission" shall mean the U.S. Nuclear Regulatory Commission;

21. 10 CFR 30.18(a), delete "section 81 of" and replace "parts 30 through 34, 36, and 39 of this chapter" with "N.J.A.C. 7:28-51 through 54, 56, 57 and 63";

22. 10 CFR 30.18(b), replace "§ 31.4 of this chapter or similar general license of a state" with "N.J.A.C. 7:28-52 or similar general license of an Agreement State or the U.S. NRC," delete "section 81 of," and replace "parts 30 through 34, 36 and 39" with "N.J.A.C. 7:28-51 through 54, 56, 57 and 63";

23. 10 CFR 30.18(d), add "or the U.S. NRC" after both occurrences of "Agreement State";

24. 10 CFR 30.19(a), delete "section 81 of" and replace "parts 20 and 30 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-6, 51 through 57 and 63";

25. 10 CFR 30.19(b), add "or the U.S. NRC" after "Agreement State" and delete both instances of "of this chapter";

26. 10 CFR 30.20(a), delete "section 81 of," replace "19, 20 and 30 through 36, and 39 of this chapter" with "N.J.A.C. 7:28-6, 50 through 57 and 63";

27. 10 CFR 30.20(b), add "or the U.S. NRC" after "Agreement State" and delete both instances of "of this chapter";

28. 10 CFR 30.21(b), replace "part 35 of this chapter" with "N.J.A.C. 7:28-55";

29. 10 CFR 30.22(a), delete "section 81 of" and replace "19, 20, 21, 30 through 36, and 39 of this chapter" with "N.J.A.C. 7:28-6, 20, 51 through 57 and 63"; and delete "of this chapter" after "§ 32.30";

30. 10 CFR 30.22(b), delete both instances of "of this chapter";

31. 10 CFR 30.31(a), replace "parts 32 through 36, and 39" with "N.J.A.C. 7:28-53 through 57 and 63";

32. 10 CFR 30.32(a), replace the first sentence with "Application for specific licenses and renewals from the State shall be filed with the Department on forms available from the Department";

33. 10 CFR 30.32(d), replace "parts 32 through 35 of this chapter" with "N.J.A.C. 7:28-53 through 55 and 63";

34. 10 CFR 30.32(e), replace all references to 10 CFR Part 170 with N.J.A.C. 7:28-64;

35. 10 CFR 30.32(g), delete all seven instances of "of this chapter";

36. 10 CFR 30.32(g)(1) and (2), "Commission" shall mean the U.S. Nuclear Regulatory Commission;

37. 10 CFR 30.32(h), replace "parts 32 through 35 of this chapter" with "N.J.A.C. 7:28-53 through 55 and 63";

38. 10 CFR 30.32(j), replace "part 35 of this chapter" with "N.J.A.C. 7:28-55" and add "or U.S. NRC" after "Agreement State";

39. 10 CFR 30.32(j)(1), add "or U.S. NRC" after "Agreement State";

40. 10 CFR 30.33(a)(4), replace "parts 32 through 36 and 39" with "N.J.A.C. 7:28-53 through 57 and 63";

41. 10 CFR 30.33(b), delete "(Form NRC 374, "By-product Material License");

42. 10 CFR 30.34(a), replace "parts 31 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-52 through 57 and 63";

43. 10 CFR 30.34(b), replace "parts 31 through 36 and 39" with "N.J.A.C. 7:28-52 through 57 and 63";

44. 10 CFR 30.34(c), replace "parts 31 through 36 and 39" and "parts 31 through 36 and 39 of this chapter" with "N.J.A.C. 7:28-52 through 57 and 63";

45. 10 CFR 30.34(c), replace "part 71 of this chapter" with "N.J.A.C. 7:28-61";

46. 10 CFR 30.34(f), replace "appropriate NRC Regional Office specified in § 30.6" with "Radioactive Materials Program";

47. 10 CFR 30.34(h)(1), replace "appropriate NRC Regional Administrator" with "Radioactive Materials Program";

48. 10 CFR 30.35(c)(6), replace "10 CFR 20.1402" with "N.J.A.C. 7:28-12.1";

49. 10 CFR 30.35(e)(1)(B), replace "10 CFR 20.1402" with "N.J.A.C. 7:28-12" and add "or restricted" after "unrestricted," and delete ", provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 10 CFR 20.1403, the cost estimate may be based on meeting the 10 CFR 20.1403 criteria";

50. 10 CFR 30.35(c)(5), replace "10 CFR Part 20" with "N.J.A.C. 7:28-12";

51. 10 CFR 30.35(g)(3)(iv), replace "10 CFR Part 20, subpart E" with "N.J.A.C. 7:28-12";

52. 10 CFR 30.36(j)(1), replace "NRC" with "NJRAD";

53. 10 CFR 30.36(j)(2), replace "10 CFR Part 20, subpart E" with "N.J.A.C. 7:28-12";

54. 10 CFR 30.36(k)(3)(i), replace "10 CFR Part 20, Subpart E" with "N.J.A.C. 7:28-12";

55. 10 CFR 30.36(k)(3)(ii), replace "10 CFR Part 20, subpart E" with "N.J.A.C. 7:28-12";

56. 10 CFR 30.37(a), replace the wording of (a) with "Application for renewal of a specific State li-

cense shall be filed with the Department on NJRAD Form-313 available from the Department.”;

57. 10 CFR 30.38, Change the title of the section from “Application for amendment of licenses” to “Amendment of licenses,” and replace “Applications for amendment of a license shall be filed on Form NRC-313 in accordance with 30.32” with “Requests to amend a license shall be submitted in a letter form to the Department or on NJRAD Form-313”;

58. 10 CFR 30.39, replace “parts 32 through 36 and 39 of this chapter” with “N.J.A.C. 7:28-53 through 57 and 63”;

59. 10 CFR 30.41(b)(1), add “of Energy” after “the Department”;

60. 10 CFR 30.41(b)(2), “Act” shall mean the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto”;

61. 10 CFR 30.41(b)(5), add “or the U.S. NRC” after “an Agreement State”;

62. 10 CFR 30.41(c), add “or the U.S. NRC” after both occurrences of “Agreement State”;

63. 10 CFR 41(d)(4) and (5), add “or the U.S. NRC” after “the Commission”;

64. 10 CFR 30.50(c)(1) replace “NRC Operations Center” with “the Department at the appropriate phone number listed in N.J.A.C. 7:28-1.5.”;

65. 10 CFR 30.50(c)(2), replace “appropriate NRC Regional office listed in appendix D to part 20 of this Chapter” with “Radioactive Materials Program”;

66. 10 CFR 30.51(a), replace “parts 31 through 36 of this chapter” with “N.J.A.C. 7:28-52 through 56 and 63”;

67. 10 CFR 30.51(b) and (c)(1), replace all references to “parts 31 through 36 of this chapter” with “N.J.A.C. 7:28-52 through 56 and 63”;

68. 10 CFR 30.51(c)(2), replace all references to “parts 31 through 36 and 39 of this chapter” with “N.J.A.C. 7:28-52 through 57 and 63”;

69. 10 CFR 30.51(d) and (f), replace all references to “appropriate NRC Regional Office” with “Radioactive Material Program”;

70. 10 CFR 30.53, replace “parts 31 through 36 and 39 of this chapter” with “N.J.A.C. 7:28-52 through 57 and 63”;

71. 10 CFR 30.61(a), replace “parts 31 through 35 of this chapter” with “N.J.A.C. 7:28-52 through 55 and 63”;

72. 10 CFR 30.61(b), delete “section 182 of”;

73. 10 CFR 30.64, replace all of 10 CFR 30.64 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”;

74. 10 CFR 30, Appendix A to Part 20 - Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning, II Financial

Test (A)(1)(ii) and (A)(2)(ii), delete , “or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s))”;

75. 10 CFR 30, Appendix A to Part 20 - Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning, II Financial Test (A)(1)(iv) and (A)(2)(iv), delete, “or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts therefore”;

76. 10 CFR 30, Appendix B to Part 30—Quantities of Licensed Material Requiring Labeling, end Note, replace “§ 20.303” with “N.J.A.C. 7:28-6.”

(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 52. GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

§ 7:28-52.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 31, General Domestic Licenses for Byproduct Material.