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33. 10 CFR 31.12(c)(4), replace "part 30 of this chapter" with "N.J.A.C. 7:28-51," and add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

34. 10 CFR 31.12(c)(5), replace "Director of the Office of Federal and State Materials and Environmental Management Programs" with "Radioactive Materials Program," and replace "30.6(a) of this chapter" with "N.J.A.C. 7:28-1.5"; and

35. 10 CFR 31.23, replace all of 10 CFR 31.23 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 for radioactive materials from both the Department and the NRC 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 53. SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

§ 7:28-53.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 32, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material.

(b) The following provisions of 10 CFR Part 32 are not incorporated by reference. If there is a cross

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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 32.1(c)(1) and (2), Purpose and scope;
2. 10 CFR 32.8, Information collection requirements: OMB approval;
3. 10 CFR 32.11, Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: Requirements for license;
4. 10 CFR 32.12, Same: Records and material transfer reports;
5. 10 CFR 32.14, Certain items containing byproduct material; requirements for license to apply or initially transfer;
6. 10 CFR 32.15, Same: Quality assurance, prohibition of transfer, and labeling;
7. 10 CFR 32.16, Certain items containing byproduct material: Records and reports of transfer;
8. 10 CFR 32.18, Manufacture, distribution and transfer of exempt quantities of byproduct material: Requirements for license;
9. 10 CFR 32.19, Same: Conditions of licenses;
10. 10 CFR 32.20, Same: Records and material transfer reports;
11. 10 CFR 32.21, Radioactive drug: Manufacture, preparation or transfer for commercial distribution of capsules containing carbon-14 urea each for "in vivo" diagnostic use for humans to persons exempt from licensing; Requirements for a license;
12. 10 CFR 32.21a, Same: Conditions of license;
13. 10 CFR 32.22, Self-luminous products containing tritium, krypton-85 or promethium 147: Requirements for license to manufacture, process, produce, or initially transfer;
14. 10 CFR 32.23, Same: Safety criteria;
15. 10 CFR 32.25, Conditions of licenses issued under § 32.22: Quality control, labeling, and reports of transfer;
16. 10 CFR 32.26, Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer;
17. 10 CFR 32.27, Same: Safety criteria;
18. 10 CFR 32.28, Same: Table of organ doses;
19. 10 CFR 32.29, Conditions of licenses issued under § 32.26: Quality control, labeling, and reports of transfer;
20. 10 CFR 32.30, Certain industrial devices containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer;
21. 10 CFR 32.31, Certain industrial devices containing byproduct material: Safety criteria;

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22. 10 CFR 32.32, Conditions of licenses issued under § 32.20: Quality control, labeling, and reports of transfer;

23. 10 CFR 32.210, Registration of product information;

24. 10 CFR 32.211, Inactivation of certificates of registration of sealed sources and devices; and

25. 10 CFR 32.301, Violations.

(c) The following provisions of 10 CFR Part 32 are incorporated by reference with the specified changes:

1. "Commission," "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 32 of the Code of Federal Regulations that are incorporated by reference, shall mean the Department, except when specifically noted in this subchapter;

2. 10 CFR 32.1(a)(1), replace "part 30 of this chapter" with "N.J.A.C. 7:28-51";

3. 10 CFR 32.1(a)(2), replace "part 31 or 35 of this chapter" with "N.J.A.C. 7:28-52 or 55" and replace "part 30 of this chapter" with "N.J.A.C. 7:28-51";

4. 10 CFR 32.1(a)(2), add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

5. 10 CFR 32.1(b), replace "part 30 of this chapter" with "N.J.A.C. 7:28-51";

6. 10 CFR 32.2, in the definition of "nationally tracked source," replace "part 20 of this Chapter" with "10 CFR part 20 as incorporated by reference in N.J.A.C. 7:28-6";

7. 10 CFR 32.13, replace "§ 32.11" with "10 CFR 32.11" and add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

8. 10 CFR 32.51(a), add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

9. 10 CFR 32.15(b) delete "of this chapter" and add "the U.S. NRC or" before "an Agreement State";

10. 10 CFR 32.51(a)(3)(iii), "U.S. NRC" shall mean U.S. Nuclear Regulatory Commission;

11. 10 CFR 32.51(c), add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

12. 10 CFR 32.51a(b) add, "or of the U.S. Nuclear Regulatory Commission" after "an Agreement State";

13. 10 CFR 32.51a(b)(1), add "or U.S. Nuclear Regulatory Commission's" after "Agreement State's" and add "or the U.S. Nuclear Regulatory Commission" after "Agreement State";

14. 10 CFR 32.51a(b)(4), add "or at the U.S. Nuclear Regulatory Commission" after "Agreement State regulatory agency";

15. 10 CFR 32.51a(e), add "or the U.S. Nuclear Regulatory Commission" after "Agreement State";

16. 10 CFR 32.52(a), replace "Director, Office of Federal and State Materials and Environmental Management Programs, ATTN: GLTS" with "Radio-

active Material Program" and replace "§ 30.6(a) of this chapter" with "N.J.A.C. 7:28-1.5";

17. 10 CFR 32.52(b), add "U.S. Nuclear Regulatory Commission's" after "Agreement State's" in both locations and add "U.S. Nuclear Regulatory Commission" after "Agreement State agency";

18. 10 CFR 32.54(a), "U.S. NRC" and "NRC" shall mean U.S. Nuclear Regulatory Commission;

19. 10 CFR 32.55, add "or U.S. NRC" after "Agreement State";

20. 10 CFR 32.56(b), delete "of this chapter," add "or the U.S. NRC" after "Agreement State agency," add "or the U.S. NRC" before "during the reporting period," add "or the U.S. NRC" before "upon request," and delete "of the agency";

21. 10 CFR 32.58, "United States Nuclear Regulatory Commission" and "Commission" shall mean U.S. Nuclear Regulatory Commission;

22. 10 CFR 32.59, add "or of the U.S. Nuclear Regulatory Commission" after "Agreement State";

23. 10 CFR 32.56, replace "Director, Office of Federal and State Materials and Environmental Management Programs" with "Radioactive Material Program" and replace "§ 30.6(a) of this chapter" with "N.J.A.C. 7:28-1.5";

24. 10 CFR 32.58, "U.S. Nuclear Regulatory Commission" and "Commission" shall mean U.S. Nuclear Regulatory Commission;

25. 10 CFR 32.62(e), delete "of this chapter," and add "of U.S. NRC" after "Agreement State";

26. 10 CFR 32.71(d), "U.S. Nuclear Regulatory Commission" and "Commission" shall mean U.S. Nuclear Regulatory Commission;

27. 10 CFR 32.72(a), replace "part 35 of this chapter" with "N.J.A.C. 7:28-55";

28. 10 CFR 32.72(b)(5)(i), add "or the U.S. Nuclear Regulatory Commission" after "Agreement State";

29. 10 CFR 32.72(b)(5)(ii), add "or U.S. Nuclear Regulatory Commission" after "Agreement State";

30. 10 CFR 32.72(5)(iii) and (iv), "Commission" shall mean the U.S. Nuclear Regulatory Commission;

31. 10 CFR 32.72(d), replace "other Federal, and State" with "Federal, and other State";

32. 10 CFR 32.74(a), replace "part 35 of this chapter" with "N.J.A.C. 7:28-55";

33. 10 CFR 32.74(a)(3), add "or the U.S. Nuclear Regulatory Commission" after "Agreement State"; and

34. 10 CFR 32.303, replace all of 10 CFR 32.303 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 De-

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partment'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 54. SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

§ 7:28-54.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 33, Specific Domestic Licenses of Broad Scope for Byproduct Material.

(b) The following provisions of 10 CFR Part 33 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 33.8, Information collection requirements: OMB approval; and
2. 10 CFR 33.21, Violations.

(c) The following provisions of 10 CFR Part 33 are incorporated by reference with the specified changes:

1. "Commission," "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 33 of the Code of Federal Regulations that are incorporated by reference, shall mean the Department;

2. 10 CFR 33.1, replace "part 30 of this chapter" with "N.J.A.C. 7:28-51";

3. 10 CFR 33.12, replace with "Application for specific licenses from the State and renewals shall

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be filed with the Department on forms available from the Department";

4. 10 CFR 33.16, replace "Part 30 of this chapter" with "N.J.A.C. 7:28-51";

5. 10 CFR 33.17(a)(3), replace "part 32, 34, or 35 of this chapter" with "N.J.A.C. 7:28-53, 55, and 63"; and

6. 10 CFR 33.23, replace all of 10 CFR 33.23 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 55. MEDICAL USE OF BYPRODUCT MATERIAL

§ 7:28-55.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 35, Medical Use of Byproduct Material.

(b) The following provisions of 10 CFR Part 35 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 35.8, Information collection requirements: OMB approval;
2. 10 CFR 35.11(c), License required;