

RADIATION PROTECTION PROGRAMS

§ 7:28-59.1

28. 10 CFR 40.41(f)(1), replace "appropriate NRC Regional Administrator" with "Department";

29. 10 CFR 40.42(j)(2), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

30. 10 CFR 40.42(k)(3)(i), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

31. 10 CFR 40.42(k)(3)(ii), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

32. 10 CFR 40.43(a), add "or Department equivalent" after "NRC Form 313";

33. 10 CFR 40.44, add "or Department equivalent" after "NRC Form 313";

34. 10 CFR 40.46(b) delete "or Appendix A to this part";

35. 10 CFR 40.51(b)(5) add "or the U.S. Nuclear Regulatory Commission" after "Agreement State";

36. 10 CFR 40.51(c), add "or the U.S. Nuclear Regulatory Commission" after both instances of "Agreement State";

37. 10 CFR 40.60(c)(2), replace "NRC's Document Control Desk" with "Department" and replace "appropriate NRC regional office listed in appendix D to part 20 of this chapter" with "Department"; and

38. 10 CFR 40.82, replace all of 10 CFR 40.82 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.

Amended by R.2016 d.022, effective March 7, 2016 (operative March 19, 2016).

See: 47 N.J.R. 2589(a), 47 N.J.R. 2695(a), 48 N.J.R. 409(b). In the introductory paragraph of (c), substituted "In addition to the changes outlined in N.J.A.C. 7:28-1.6, the" for "The"; rewrote (c)11; and in (c)23, updated the first CFR reference.

SUBCHAPTER 59. LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

§ 7:28-59.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 61, Licensing Requirements for Land Disposal of Radioactive Waste.

(b) The following provisions of 10 CFR Part 61 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 61.4, Communications;
2. 10 CFR 61.8, Information collection requirements: OMB approval;
3. 10 CFR 61.16, Other information;
4. 10 CFR 61.23(i) and (j), Standards for issuance of a license; and
5. 10 CFR 61.83, Violations.

(c) The following provisions of 10 CFR Part 61 are incorporated by reference with the specified changes:

1. "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 61 of the Code of Federal Regulations, that are incorporated by reference, means the Department, except when specifically noted in this subchapter;

2. 10 CFR 61.1(a), replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

3. 10 CFR 61.1(b), replace "part 150 of this chapter" with "N.J.A.C. 7:28-62";

4. 10 CFR 61.1(b)(2), replace "part 40 of this chapter" with "N.J.A.C. 7:28-58";

5. 10 CFR 61.1(b)(3), replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

6. 10 CFR 61.5, delete "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,";

7. 10 CFR 61.6, replace "Commission" with "Department, with approval of the Commission on Radiation Protection," and replace "by law and will not endanger life or property or the common defense and security and are otherwise in the public interest"

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with "in accordance with the provisions of N.J.A.C. 7:28-2.8";

8. 10 CFR 61.7(c)(4), replace "Department" with "Department of Energy";

9. 10 CFR 61.12(k), replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

10. 10 CFR 61.13(c), replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

11. 10 CFR 61.20(c), replace "part 170 of this chapter" with "N.J.A.C. 7:28-64";

12. 10 CFR 61.23(d), replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

13. 10 CFR 61.24(k)(1), replace "NRC Regional Administrator" with "Supervisor of the Radioactive Materials Program";

14. 10 CFR 61.43, replace "part 20 of this chapter" with "N.J.A.C. 7:28-6";

15. 10 CFR 61.71, 10 CFR 61.72(a), 10 CFR 61.73(a), 10 CFR 61.73(b), and 10 CFR 61.73(c), replace "Director" with "Manager of the Bureau of Environmental Radiation";

16. 10 CFR 61.80(i)(1), delete "to the Director, Office of Federal and State Materials and Environmental Management Programs," and replace "with a copy to the appropriate NRC Regional Office shown in appendix D to part 20 of this chapter" with "to the Department at the address or fax number listed in N.J.A.C. 7:28-1.5"; and

17. 10 CFR 61.84, replace all of 10 CFR 61.84 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.

NEW JERSEY ADMINISTRATIVE CODE

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 60. DOMESTIC
LICENSING OF SPECIAL NUCLEAR
MATERIAL

§ 7:28-60.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 70, Domestic Licensing of Special Nuclear Material.

(b) The following provisions of 10 CFR Part 70 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 70.1(c) through (e), Purpose;
2. 10 CFR 70.4, definition of "commencement of construction, paragraph 2," "Commission", and "construction, paragraph 9(ii)";
3. 10 CFR 70.5, Communications;
4. 10 CFR 70.8, Information collection requirements: OMB approval;
5. 10 CFR 70.13, Department of Defense;
6. 10 CFR 70.14, Foreign military aircraft;
7. 10 CFR 70.19(a)(1) and (2), pertaining to recognition of specific licenses;
8. 10 CFR 70.20a, General license to possess special nuclear material for transport;
9. 10 CFR 70.20b, General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel;
10. 10 CFR 70.21(a)1, (c), and (f) through (h), Filing;
11. 10 CFR 70.22(b), (c), and (f) through (n), Contents of application;
12. 10 CFR 70.23(a)(6) through (12), and (b), Requirements for the approval of applications;
13. 10 CFR 70.23a, Hearing required for uranium enrichment facility;
14. 10 CFR 70.24, Criticality accident requirements;
15. 10 CFR 70.25(a)(1), Financial assurance and recordkeeping for decommissioning;
16. 10 CFR 70.31(c) through (e), Issuance of licenses;
17. 10 CFR 70.32(a)(1), (4) through (7), (b)(1), (3), (4), and (c) through (k), Conditions of licenses;
18. 10 CFR 70.37, Disclaimer of warranties;