

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

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;

3. 10 CFR 35.12(c)(1)(ii);
 4. 10 CFR 35.13(a)(1) and (2);
 5. 10 CFR 35.63(b)(2)(i) through 35.63(b)(2)(iii), Determination of dosages of unsealed byproduct material for medical use;
 6. 10 CFR 35.63(c)(3)(i) through 35.63(c)(3)(ii); and
 7. 10 CFR 35.4001, Violations.
- (c) The following provisions of 10 CFR Part 35 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 35 of the Code of Federal Regulations, that are incorporated by reference, means the Department, except at:
 - i. 10 CFR 35.2, Definitions;
 - ii. 10 CFR 35.13(b)(4)(iii), License amendments; and
 - iii. 10 CFR 35.67(b)(2), Requirements for possession of sealed sources and brachytherapy sources;
 2. 10 CFR 35.1, replace "parts 19, 20, 21, 30, 71, 170 and 171 of this chapter" with "N.J.A.C. 7:28-6, 50, 51, 61 and 64";
 3. 10 CFR 35.6(b) and (c), replace "another Federal agency" with "a Federal agency";
 4. 10 CFR 35.7, replace "other Federal, and State" with "Federal, and other State";
 5. 10 CFR 35.10(a), delete "A Government agency or a Federally recognized Indian Tribe that possesses and uses accelerator-produced radioactive material or discrete sources of radium-226 for which a specific medical use license is required by the Atomic Energy Act of 1954, as amended, must comply with the requirements of this part, including provisions that are specific to licensees, on November 30, 2007." replace "All other persons" with "All persons," and delete "on August 8, 2009, or earlier as noticed by the NRC";
 6. 10 CFR 35.11(a), add "or the U.S. NRC" after "an Agreement State"
 7. 10 CFR 35.12(b)(1), replace "and one copy of Form 313, 'Application for Material License,'" with "application for a specific license on NJRAD Form 313 available from the Department,";
 8. 10 C.F.R. 35.12(c), delete the wording "amendment or";
 9. 10 CFR 35.12(c)(1), delete the wording "and one copy" and "either";
 10. 10 CFR 35.12(c)(1)(i), replace "NRC Form 313" with "NJRAD Form 313," and replace "Material" with "Radioactive Materials";
 11. 10 CFR 35.12(c)(1)(ii), delete wording and replace with "A request for an amendment may be submitted on NJRAD Form 313 or by a letter addressed to the Department.";

12. 10 CFR 35.13(b)(4)(i) and (ii), add "or U.S. NRC" after "Agreement State";
13. 10 CFR 35.13(a), delete "except that -";
14. 10 CFR 35.14(a), add "or U.S. NRC" after both occurrences of "or Agreement State";
15. 10 CFR 35.14(a), "Commission" in both occurrences of "Commission master material" shall mean U.S. NRC;
16. 10 CFR 35.14(c), replace "§ 30.6 of this chapter" with "N.J.A.C. 7:28-1.5";
17. 10 CFR 35.15, replace "Part 33 of this chapter" with "N.J.A.C. 7:28-54";
18. 10 CFR 35.18(a)(1), replace "NRC Form 313" with "NJRAD Form 313";
19. 10 CFR 35.18(a)(2), replace "Part 170 of this chapter" with "N.J.A.C. 7:28-64";
20. 10 CFR 35.18(a)(4), replace "Part 30 of this chapter" with "N.J.A.C. 7:28-51";
21. 10 CFR 35.19, add "with the approval of the Commission on Radiation Protection," after "may," and replace "and will not endanger life or property or the common defense and security and are otherwise in the public interest" with "in accordance with the provisions of N.J.A.C. 7:28-2.8";
22. 10 CFR 35.49(a), replace "10 CFR Part 30" with "N.J.A.C. 7:28-51" and add "or of the U.S. NRC" after "an Agreement State";
23. 10 CFR 35.49(b), add "or a U.S. NRC" after "Agreement State";
24. 10 CFR 35.49(c), replace "10 CFR Part 30" with "N.J.A.C. 7:28-51" and add "or of the U.S. NRC" after "Agreement State";
25. 10 CFR 35.50(a), add "or the U.S. NRC" after both occurrences of "Agreement State";
26. 10 CFR 35.50(a), "NRC's" shall mean U.S. NRC's;
27. 10 CFR 35.50(a)(2)(ii)(A), add "or the U.S. NRC" after "Agreement State";
28. 10 CFR 35.50(b)(1)(ii), add "or U.S. NRC" after "Agreement State";
29. 10 CFR 35.50(b)(1)(ii), "Commission" in "Commission master material licensee" shall mean U.S. NRC;
30. 10 CFR 35.50(c)(1), add "or the U.S. NRC" after "Agreement State";
31. 10 CFR 35.51(a), add "or the U.S. NRC" after both occurrences of "Agreement State";
32. 10 CFR 35.51(a), "NRC's" shall mean U.S. NRC's;
33. 10 CFR 35.51(a)(2)(i), add "or the U.S. NRC" after "Agreement State";
34. 10 CFR 35.51(b)(2), add "or U.S. NRC" after "Agreement State";
35. 10 CFR 35.55(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

36. 10 CFR 35.55(a), "NRC's" shall mean U.S. NRC's;

37. 10 CFR 35.57(a)(1), add "or U.S. NRC" after both occurrences of "Agreement State";

38. 10 CFR 33.57(a)(1), replace both occurrences of "master material license" with "U.S. NRC master material license";

39. 10 CFR 35.57(a)(2), add "or U.S. NRC" after both occurrences of "Agreement State";

40. 10 CFR 33.57(a)(2), replace both occurrences of "master material license" with "U.S. NRC master material license";

41. 10 CFR 35.57(b)(1), add "or U.S. NRC" after both occurrences of "Agreement State";

42. 10 CFR 35.57(b)(1), "Commission" in both occurrences of "Commission master material" shall mean U.S. NRC;

43. 10 CFR 35.57(b)(2), add "or U.S. NRC" after both instances of "Agreement State"; and replace "Commission" with "U.S. NRC" before each instance of master material license;

44. 10 CFR 35.61(a), replace "10 CFR Part 20" with "N.J.A.C. 7:28-6";

45. 10 CFR 35.65(a) and (b), add "or U.S. NRC" after "Agreement State";

46. 10 CFR 35.67(e)(1), replace "parts 20 and 30 of this chapter" with "N.J.A.C. 7:28-6 and 51";

47. 10 CFR 35.70(a), replace "Part 20 of this chapter" with "N.J.A.C. 7:28-6";

48. 10 CFR 35.80(a)(4), replace "Part 20 of this chapter" with "N.J.A.C. 7:28-6";

49. 10 CFR 35.100(a)(1), add "or U.S. NRC" after "Agreement State";

50. 10 CFR 35.100(a)(2), add "or U.S. NRC" after "Agreement State";

51. 10 CFR 35.100(c), add "or U.S. NRC" after "Agreement State";

52. 10 CFR 35.190(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

53. 10 CFR 35.190(a), "NRC's" shall mean U.S. NRC's;

54. 10 CFR 35.190(b), (c)(1)(ii), and (c)(2), add "or U.S. NRC" after "Agreement State";

55. 10 CFR 35.200(a)(1), add "or U.S. NRC" after "Agreement State";

56. 10 CFR 35.200(a)(2), add "or U.S. NRC" after "Agreement State";

57. 10 CFR 35.200(c), add "or U.S. NRC" after "Agreement State";

58. 10 CFR 35.290(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

59. 10 CFR 35.290(a), "NRC's" shall mean U.S. NRC's;

60. 10 CFR 35.290(b), (c)(1)(ii) and (c)(2), add "or U.S. NRC" after "Agreement State";

61. 10 CFR 35.300(a)(1), add "or U.S. NRC" after "Agreement State";

62. 10 CFR 35.300(a)(2), add "or U.S. NRC" after "Agreement State";

63. 10 CFR 35.300(c), add "or U.S. NRC" after "Agreement State";

64. 10 CFR 35.390(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

65. 10 CFR 35.390(a), "NRC's" shall mean U.S. NRC's;

66. 10 CFR 35.390(b)(1)(ii) and (b)(2), add "or U.S. NRC" after "Agreement State";

67. 10 CFR 35.392(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

68. 10 CFR 35.392(a), "NRC's" shall mean U.S. NRC's;

69. 10 CFR 35.392(b), (c)(2) and (c)(3), add "or U.S. NRC" after "Agreement State";

70. 10 CFR 35.394(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

71. 10 CFR 35.394(a), "NRC's" shall mean U.S. NRC's;

72. 10 CFR 35.394(b), (c)(2), and (c)(3), add "or U.S. NRC" after "Agreement State";

73. 10 CFR 35.396(a) and (b), add "or U.S. NRC" after "Agreement State";

74. 10 CFR 35.396(c), add "or the U.S. NRC" after "Agreement State";

75. 10 CFR 35.396(d)(2) and (d)(3), add "or U.S. NRC" after "Agreement State";

76. 10 CFR 35.490(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

77. 10 CFR 35.490(a), "NRC's" shall mean U.S. NRC's;

78. 10 CFR 35.490(b)(1)(ii), (b)(2), and (b)(3), add "or U.S. NRC" after "Agreement State";

79. 10 CFR 35.491(a) and (b)(3), add "or U.S. NRC" after "Agreement State";

80. 10 CFR 35.590(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

81. 10 CFR 35.590(a), "NRC's" shall mean U.S. NRC's;

82. 10 CFR 35.605(a), (b), and (c), add "or the U.S. NRC" after "Agreement State";

83. 10 CFR 35.655(b), add "or the U.S. NRC" after "Agreement State";

84. 10 CFR 35.690(a), add "or the U.S. NRC" after both occurrences of "Agreement State";

85. 10 CFR 35.690(a), "NRC's" shall mean U.S. NRC's;

86. 10 CFR 35.690(b)(1)(ii), (b)(2), and (b)(3), add "or the U.S. NRC" after "Agreement State";

87. 10 CFR 35.900(b)(2), add "or the U.S. NRC" after "Agreement State";

88. 10 CFR 35.3045(c), replace "NRC Operations Center" with "Department";

89. 10 CFR 35.3045(d), replace the wording of 10 CFR 35.3045(d) with "The licensee shall submit a written report to the Department at the address or fax number listed in N.J.A.C. 7:28-1.5 within 15 days after discovery of the medical event."

90. 10 CFR 35.3047(c), replace "NRC Operations Center" with "Department";

91. 10 CFR 35.3047(d), replace "By an appropriate method listed in § 30.6 of this chapter, the" with "The" and replace "appropriate NRC Regional Office listed in § 30.6 of this chapter" with "Department at the address or fax number listed in N.J.A.C. 7:28-1.5";

92. 10 CFR 35.3067, replace "appropriate NRC Regional Office listed in § 30.6 of this chapter, by an appropriate method listed in § 30.6 of this chapter" with "Department at the address or fax number listed in N.J.A.C. 7:28-1.5" and delete ", with a copy to the Director, Office of Federal and State Materials and Environmental Management Programs."; and

93. 10 CFR 35.4002, replace all of 10 CFR 35.4002 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 56. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

§ 7:28-56.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 36, Licenses and Radiation Safety Requirements for Irradiators.

(b) The following provisions of 10 CFR Part 36 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 36.2, Definitions, the following definitions are not incorporated by reference: "commencement of construction, paragraph 2" and "construction, paragraph 9(ii)";

2. 10 CFR 36.8, Information collection requirements: OMB approval; and

3. 10 CFR 36.91, Violations.

(c) The following provisions of 10 CFR Part 36 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 36 of the Code of Federal Regulations that are incorporated by reference, means the Department, except when specifically noted in this subchapter;

2. 10 CFR 36.1(a), replace "parts 19, 20, 21, 30, 71, 170 and 171 of this chapter" with "N.J.A.C. 7:28-6, 50, 51, 61 and 64";

3. 10 CFR 36.5, 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,"

4. 10 CFR 36.11, replace "Form NRC 313, 'Application for Material License,'" with "NJRAD Form 313," delete "and one copy," and replace "appropriate NRC Regional Office listed in appendix D to part 20 of this chapter" with "Department at the address or fax number listed in N.J.A.C. 7:28-1.5";

5. 10 CFR 36.11, replace "part 170 of this chapter" and "§ 170.31 of this chapter" with "N.J.A.C. 7:28-64";

6. 10 CFR 36.13(g), add "or the U.S. Nuclear Regulatory Commission" after "Agreement State";

7. 10 CFR 36.15, replace "§ 170.31" with "N.J.A.C. 7:28-64" and replace "the Atomic Energy Act of 1954, as amended" with "the Act";

8. 10 CFR 36.17, replace "Commission" with "Department, with approval of the Commission on Radiation Protection," and replace "by law and will not