

Radiation Protection Program Rules, N.J.A.C. 7:28

SUBCHAPTER 59. LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

7:28-59.1 Incorporation by reference

The Radiation Protection Program Rules prohibit and prevent the use or presence of unnecessary radiation. At N.J.A.C. 7:28-59.1, the rules incorporate by reference parts of 10 CFR Part 61, which are United States Nuclear Regulatory Commission (USNRC) regulations establishing licensing requirements for land disposal of radioactive waste that are derived from a Federal Executive Order from 1977. The existing rule language was incorporated by reference from USNRC regulations as part the New Jersey Agreement State Program. At new N.J.A.C. 7:28-59.1(c)15, the Department is proposing to incorporate changes to the reference to 10 CFR 61.50, which establishes the disposal site suitability requirements for land disposal, by adding “or flood hazard area, as defined at N.J.A.C. 7:13” after “100-year flood plain” to ensure that there are no gaps between the FHACA Rules and the Radiation Protection Program Rules. This is necessary because the term “100-year flood plain is not a defined term in the FHACA Rules. As New Jersey does not currently have any low- level radioactive waste disposal facilities and it is highly unlikely that such facilities will be sited within the State in the future, the proposed changes will have little to no impact on the radiation protection program or its licensees. Existing N.J.A.C. 7:28-59.1(c)15 through 21 are proposed to be recodified as N.J.A.C. 7:28-59.1(c)16 through 22 with no change in text.

RADIATION PROTECTION PROGRAM RULES, N.J.A.C. 7:28

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(a) – (b) (No change.)

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

1. – 14. (No change.)

15. 10 CFR 61.50, add “or flood hazard area, as defined at N.J.A.C. 7:13” after “100-year flood plain”;

Recodify 15. – 21. as 16. – 22. (No change in text.)

(d) – (g) (No change.)