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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](#).

(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; and
4. 10 CFR 61.23(i), (j), Standards for issuance of a license.

(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" 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. 10CFR 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";

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

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

15. 10 CFR 61.52(a)(6), replace “§§ 20.1301 and 20.1302 of this chapter” with “N.J.A.C. 7:28-6”;

16. 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”;

17. 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”;

18. 10 CFR 61.80(g), replace “§§30.55, 40.64” with “N.J.A.C. 7:28-51, N.J.A.C. 7:28-58 and §§”;

19. 10 CFR 61.80(j), replace “§70.52 of this chapter” with “N.J.A.C. 7:28-60”; and

20. 10 CFR 61.80(k), replace “§§30.41, 40.51, and 70.42 of this chapter” with “N.J.A.C. 7:28-51, 58, and 60” and

21. 10 CFR 61.80(l)(1)(i), replace “in 10 CFR part 20, appendix G” with “as is incorporated by reference in 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 via the Department’s website at: www.nj.gov/dep/rpp/rms/rmsdown.htm, or by requesting a copy by telephone during business hours at (609) 984-5462.

(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.