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## **SUBCHAPTER 51. RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL**

### 7:28-51.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference [10 CFR Part 30](#).

(b) The following provisions of 10 CFR Part 30 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 30.4, Definitions, the following definitions are not incorporated by reference: “act,” “byproduct material,” “curie,” “decommission,” “department “ and “Department of Energy,” “effective dose equivalent,” “government agency,” “license,” “medical use,” “person,” “source material” and “special nuclear material.”

2. 10 CFR 30.6, Communications;

3. 10 CFR 30.8, Information collection requirements: OMB approval;

4. 10 CFR 30.21(c), Radioactive drug: Capsules containing carbon-14 urea for “in vivo” diagnostic use for humans;

5. 10 CFR 30.34(d), (e)(1) and (e)(3), Terms and conditions of licenses;

6. 10 CFR 30.41(a)(6), Transfer of byproduct material; and

7. 10 CFR 30.55, Tritium reports.

(c) The following provisions of 10 CFR Part 30 are incorporated by reference with the specified changes:

1. 10 CFR 30.4, Definitions, "Commission" shall mean the New Jersey Department of Environmental Protection;

2. “Nuclear Regulatory Commission,” “NRC,” and “U.S. Nuclear Regulatory Commission,” as used in the provisions of Part 30 of the Code of Federal Regulations that are incorporated by reference, mean the New Jersey Department of Environmental Protection, except when specifically noted in this subchapter;

3. 10 CFR 30.5, 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,";

4. 10 CFR 30.9(b), replace all references to “Administrator of the appropriate Regional Office” with “Supervisor, Radioactive Materials Section”;

5. 10 CFR 30.10(b), replace “10 CFR part 2, subpart B” with “N.J.S.A. 26:2D-13”;

6. 10 CFR 30.12, replace "when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law" with "when the Department and the Commission on Radiation Protection determine that the exemption of the prime contractor or subcontractor is in accordance with N.J.A.C. 7:28-2.8”;

7. 10 CFR 30.14(c), add “the Department” after “holding a specific license issued by”;

8. 10 CFR 30.14(c), “Commission” shall mean the U.S. Nuclear Regulatory Commission;

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9. 10 CFR 30.15(a), delete “20 and” and add “and N.J.A.C. 7:28-6” after “of this Chapter”;
10. 10 CFR 30.16, delete “20 and” and add “and N.J.A.C. 7:28-6” after “of this Chapter”;
11. 10 CFR 30.19(a), delete “20 and” and add “and N.J.A.C. 7:28-6” after “of this Chapter”;
12. 10 CFR 30.20(a), delete “20 and” and add “and N.J.A.C. 7:28-6” after “of this Chapter”;
13. 10 CFR 30.32(a), replace the first sentence with “Application for specific licenses and renewals from the State shall be filed with Department on forms available from the Department”;
14. 10 CFR 30.32(e), replace all references to 10 CFR Part 170 with N.J.A.C. 7:28-64.
15. 10 CFR 30.33(a)(5), replace “Director Office of Federal and State Materials and Environmental Management Program,” with “Manager, Bureau of Environmental Radiation.”
16. 10 CFR 30.35(c)(5), replace “10 CFR Part 20, Appendix G” with “N.J.A.C. 7:28-6”;
17. 10 CFR 30.35(c)(5), replace “10 CFR Part 20” with “N.J.A.C. 7:28-12”;
18. 10 CFR 30.35(g)(3)(i), replace “10 CFR 20.1003” with “N.J.A.C. 7:28-6”;
19. 10 CFR 30.35(g)(3)(iii), replace “10 CFR 20.2108” with “N.J.A.C. 7:28-6”;
20. 10 CFR 30.35(g)(3)(iv), replace “10 CFR Part 20, subpart E” with “N.J.A.C. 7:28-12”;
21. 10 CFR 30.35(g)(3)(iv), replace “10 CFR 20.2002” with “N.J.A.C. 7:28-6”;
22. 10 CFR 30.36(j)(2), replace “10 CFR Part 20, subpart E” with “N.J.A.C. 7:28-12”
23. 10 CFR 30.36(k)(3)(i), replace “10 CFR Part 20, Subpart E” with “N.J.A.C. 7:28-12”
24. 10 CFR 30.36(k)(3)(ii), replace “10 CFR Part 20, subpart E” with “N.J.A.C. 7:28-12”;
25. 10 CFR 30.37(a), replace the wording of (a) with “Application for renewal of a specific State license shall be filed with the Department on forms available from the Department.”;
26. 10 CFR 30.38, Change the title of the section from “Application for amendment of licenses” to “Amendment of licenses.” Replace “Applications for amendment of a license shall be filed on Form NRC-313 in accordance with 30.32” with “Requests to amend a license shall be shall be submitted in letter form to the Department”;
27. 10 CFR 30.50(b)(1)(ii), replace “appendix B of §§ 20.1001-20.2401 of 10 CFR Part 20” with “N.J.A.C. 7:28-6.1”;
28. 10 CFR 30.50(b)(4)(i), replace “appendix B of §§ 20.1001-20.2401 of 10 CFR Part 20” with “N.J.A.C. 7:28-6.1”;

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29. 10 C.F.R 30.50(c)(2), replace “appropriate NRC Regional office listed in appendix D to part 20 of this Chapter” with “Department”;

30. 10 CFR 30.51(d), replace “appropriate NRC Regional Office” with “Department”;

31. 10 CFR 30.51(d)(1), replace “§§ 20.2002 (including burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005” with “N.J.A.C. 7:28-6”;

32. 10 CFR 30.51(d)(2), replace “§ 20.2103(b)(4)” with N.J.A.C. 7:28-6”;

33. 10 CFR 30.51(e)(1), replace “§§ 20.2002 (including burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005” with “N.J.A.C. 7:28-6”;

34. 10 CFR 30.51(e)(2), replace “§ 20.2103(b)(4)” with N.J.A.C. 7:28-6”;

and

35. 10 CFR 30, Appendix B to Part 30—Quantities of Licensed Material Requiring Labeling, end Note, replace “§ 20.303” with “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](http://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.