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SUBCHAPTER 53. SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

7:28-53.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference [10 CFR Part 32](#).

(b) The following provisions of 10 CFR Part 32 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 32.8, Information collection requirements: OMB approval;
2. 10 CFR 32.11, Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: Requirements for license.
3. 10 CFR 32.12, Same: Records and material transfer reports.
4. 10 CFR 32.14, Certain items containing byproduct material; requirements for license to apply or initially transfer;
5. 10 CFR 32.15, Same: Quality assurance, prohibition of transfer, and labeling;
6. 10 CFR 32.16, Certain items containing byproduct material: Records and reports of transfer;
7. 10 CFR 32.18, Manufacture, distribution and transfer of exempt quantities of byproduct material: Requirements for license;
8. 10 CFR 32.19, Same: Conditions of licenses;
9. 10 CFR 32.20, Same: Records and material transfer reports;
10. 10 CFR 32.21, Radioactive drug: Manufacture, preparation or transfer for commercial distribution of capsules containing carbon-14 urea each for “in vivo” diagnostic use for humans to persons exempt from licensing; Requirements for a license;
11. 10 CFR 32.21a, Same: Conditions of license;
12. 10 CFR 32.22, Self-luminous products containing tritium, krypton-85 or promethium 147: Requirements for license to manufacture, process, produce, or initially transfer;
13. 10 CFR 32.23, Same: Safety criteria;
14. 10 CFR 32.25, Conditions of licenses issued under Part 32.22: Quality control, labeling, and reports of transfer;
15. 10 CFR 32.26, Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer;
16. 10 CFR 32.27, Same: Safety criteria;
17. 10 CFR 32.28, Same: Table of organ doses;
18. 10 CFR 32.29, Conditions of licenses issued under 32.26: Quality control, labeling, and reports of transfer;
19. 10 CFR 32.40, Schedule A-Prototype tests for automobile lock illuminators and
20. 10 CFR 32.210, Registration of product information.

(c) The following provisions of 10 CFR Part 32 are incorporated by reference with the specified changes:

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1. 10 CFR 32.52(a), replace “Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001,” with “New Jersey Department of Environmental Protection, Radioactive Materials Section, P.O. Box 415, Trenton, New Jersey 08625-0415”;

2. 10 CFR 32.56, replace “Director of Nuclear Material Safety and Safeguards,” with “Department”;

3. “Commission,” “Nuclear Regulatory Commission,” “NRC,” and “U.S. Nuclear Regulatory Commission,” as used in the provisions of Part 32 of the Code of Federal Regulations that are incorporated by reference, mean the Department, except when specifically noted in this subchapter;

4. 10 CFR 32.2, in the definition of “nationally tracked source,” replace “part 20 of this Chapter” with “10 CFR part 20 as incorporated by reference in N.J.A.C. 7:28-6”;

5. 10 CFR 32.51(a)(2)(ii), replace “§ 20.1201(a) of this chapter” with “N.J.A.C. 7:28-6”;

6. 10 CFR 32.51(a)(4), replace “§ 20.1901 of this chapter” with “N.J.A.C. 7:28-6”;

7. 10 CFR 32.51(a)(5), replace “§ 20.1901 of this chapter” with “N.J.A.C. 7:28-6”;

8. 10 CFR 32.51(c), replace “§ 20.1201(a) of this chapter” with “N.J.A.C. 7:28-6”;

9. 10 CFR 32.51a(a)(2), add “and” between “31.2,” and “30.51”;

10. 10 CFR 32.51a(a)(2), delete “20.2201, and 20.2202” and add “and N.J.A.C. 7:28-6” after “of this chapter”;

11. 10 CFR 32.51a(b)(1), add “and” between “31.2” and “30.51” in both locations;

12. 10 CFR 32.51a(b)(1), delete “20.2201, and 20.2202” from both locations and add “and N.J.A.C. 7:28-6” after “of this chapter” in both locations;

13. 10 CFR 32.54(a), replace “§ 20.1901 of this chapter” with “N.J.A.C. 7:28-6”;

14. 10 CFR 32.61(d), replace “§ 20.1901(a) of this chapter” with “N.J.A.C. 7:28-6”;

15. 10 CFR 32.71(c)(2), replace “§ 20.1901(a) of this chapter” with “N.J.A.C. 7:28-6” and

16. 10 CFR 32.71(e), replace “§ 20.2001” with “N.J.A.C. 7:29-6.”

(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.”

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(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.