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SUBCHAPTER 60. DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

7:28-60.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference [10 CFR Part 70](#).

(b) The following provisions of 10 CFR Part 70 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 70.1(c) through (e), Purpose;
2. 10 CFR 70.4, definition of "Commission";
3. 10 CFR 70.5, Communications;
4. 10 CFR 70.8, Information collection requirements: OMB approval;
5. 10 CFR 70.13, Department of Defense;
6. 10 CFR 70.14, Foreign military aircraft;
7. 10 CFR 70.20a, General license to possess special nuclear material for transport;
8. 10 CFR 70.20b, General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel;
9. 10 CFR 70.21(a)1, (c), and (f) through (h), Filing;
10. 10 CFR 70.22(b), (c), and (f) through (n), Contents of application;
11. 10 CFR 70.23(a)(6) through (12), and (b), Requirements for the approval of applications;
12. 10 CFR 70.23a, Hearing required for uranium enrichment facility;
13. 10 CFR 70.24, Criticality accident requirements;
14. 10 CFR 70.25(a), Financial assurance and recordkeeping for decommissioning;
15. 10 CFR 70.31(c) through (e), Issuance of licenses;
16. 10 CFR 70.32(a)(1), (4) through (7), (b)(1), (3), (4), and (c) through (k), Conditions of licenses;
17. 10 CFR 70.37, Disclaimer of warranties;
18. 10 CFR 70.40, Ineligibility of certain applicants;
19. 10 CFR 70.42(b)(6), Transfer of special nuclear material;
20. 10 CFR 70.44, Creditor regulations;
21. 10 CFR 70.51(c), Records requirements;
22. 10 CFR 70.52, Reports of accidental criticality;
23. 10 CFR 70.55(c), Inspections;
24. 10 CFR 70.56(d), Tests;
25. 10 CFR 70.59, Effluent monitoring reporting requirements;
26. 10 CFR 70.60, Applicability;
27. 10 CFR 70.61, Performance requirements;
28. 10 CFR 70.62, Safety program and integrated safety analysis;

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29. 10 CFR 70.64, Requirements for new facilities or new processes at existing facilities;

30. 10 CFR 70.65, Additional content of applications;

31. 10 CFR 70.66, Additional requirements for approval of license application;

32. 10 CFR 70.72, Facility changes and change process;

33. 10 CFR 70.74, Additional reporting requirements;

34. 10 CFR 70.76, Backfitting; and

35. 10 CFR 70.82, Suspension and operation in war or national emergency.

(c) The following provisions of 10 CFR Part 70 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 70 of the Code of Federal Regulations that are incorporated by reference, mean the Department.

2. 10 CFR 70.4, in definition of "person," replace "Department" with "Department of Energy";

3. 10 CFR 70.11, replace "Department" with "Department of Energy";

4. 10 CFR 70.17(a), 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 compliance with N.J.A.C. 7:28-2.8";

5. 10 CFR 70.19(c), delete ", 20," and add "and N.J.A.C. 7:28-6";

6. 10 CFR 70.21(d), replace "regulations contained in part 2 of this chapter" with "Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)";

7. 10 CFR 70.25(g)(3)(i), replace "10 CFR 20.1003" with "N.J.A.C. 7:28-6";

8. 10 CFR 70.25(g)(3)(iii), replace "10 CFR 20.2108" with "N.J.A.C. 7:28-6," replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12" and replace "10 CFR 20.2002" with "N.J.A.C. 7:28-6";

9. 10 CFR 70.25(g)(3)(iv) replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12" and replace "10 CFR 20.2002" with "N.J.A.C. 7:28-6";

10. 10 CFR 70.38(j)(2), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

11. 10 CFR 70.38(k)(3)(i), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

12. 10 CFR 70.38(k)(3)(ii), replace "10 CFR part 20, subpart E" with "N.J.A.C. 7:28-12";

13. 10 CFR 70.42(b)(1), replace "Department" with "Department of Energy";

14. 10 CFR 70.50(b)(1)(ii), replace "Appendix B of §§20.1001-20.2401 of 10 CFR part 20" with "N.J.A.C. 7:28-6";

15. 10 CFR 70.50(b)(4)(i), replace "appendix B of §§20.2001-20.2401 of 10 CFR part 20" with "N.J.A.C. 7:28-6";

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16. 10 CFR 70.50(c)(2), delete “to the NRC’s Document Control Desk,” and replace “with a copy to the appropriate NRC regional office listed in appendix D to part 20 of this chapter” with “to the Department”;

17. 10 CFR 70.51(a)(1), replace “10 CFR 20.2002, (including burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005” with “N.J.A.C. 7:28-6”;

18. 10 CFR 70.51(a)(2), replace “10 CFR 20.2103(b)(4)” with “N.J.A.C. 7:28-6”;

19. 10 CFR 70.51(b)(1), replace “10 CFR 20.2002, (including burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005” with “N.J.A.C. 7:28-6”;

20. 10 CFR 70.51(b)(2), replace “10 CFR 20.2103(b)(4)” with “N.J.A.C. 7:28-6”; and

21. 10 CFR 70.56, replace "(b) facilities wherein special nuclear material is utilized, produced or stored," with "and."

(d) 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.

(e) 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.