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SUBCHAPTER 61. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

7:28-61.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference [10 CFR Part 71](#).

(b) The following provisions of 10 CFR Part 71 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 71.6, Information collection requirements: OMB approval;
2. 10 CFR 71.10, Public inspection of application;
3. 10 CFR 71.14(b), Exemptions for low-level materials;
4. 10 CFR 71.19, Previously approved package;
5. 10 CFR 71.31, Contents of application;
6. 10 CFR 71.33, Package description;
7. 10 CFR 71.35, Package evaluation;
8. 10 CFR 71.37, Quality assurance;
9. 10 CFR 71.38, Renewal of a certificate of compliance or quality assurance program approval;
10. 10 CFR 71.39, Requirement for additional information;
11. 10 CFR 71.41, Demonstration of compliance;
12. 10 CFR 71.43, General standards for all packages;
13. 10 CFR 71.45, Lifting and tie-down standards for all packages;
14. 10 CFR 71.51, Additional requirements for Type B packages;
15. 10 CFR 71.55, General requirements for fissile material packages;
16. 10 CFR 71.59, Standards for arrays of fissile material packages;
17. 10 CFR 71.61, Special requirements for Type B packages containing more than $10^5 A_2$;
18. 10 CFR 71.63, Special requirement for plutonium shipments;
19. 10 CFR 71.64, Special requirements for plutonium air shipments;
20. 10 CFR 71.65, Additional requirements;
21. 10 CFR 71.71, Normal conditions of transport;
22. 10 CFR 71.73, Hypothetical accident conditions;
23. 10 CFR 71.74, Accident conditions for air transport of plutonium;
24. 10 CFR 71.75, Qualification of special form radioactive material;
25. 10 CFR 71.77, Qualification of LSA-III Material;
26. 10 CFR 71.101(c)(2), (d) through (e), Quality assurance requirements;
27. 10 CFR 71.107, Package design control;
28. 10 CFR 71.109, Procurement document control;
29. 10 CFR 71.111, Instructions, procedures and drawings;
30. 10 CFR 71.113, Document control;
31. 10 CFR 71.115, Control of purchased material, equipment and services;
32. 10 CFR 71.117, Identification and control of materials, parts and components;

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33. 10 CFR 71.119, Control of special processes;
34. 10 CFR 71.121, Internal inspection;
35. 10 CFR 71.123, Test control and;
36. 10 CFR 71.125, Control of measuring and test equipment.

(c) The following provisions of 10 CFR 71 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 71 of the Code of Federal Regulations that are incorporated by reference, means the Department, except at:
 - i) 10 CFR 71.0(a)2 and (d)1;
 - ii) 10 CFR 71.4, definitions for "Certificate Holder," "Certificate of Compliance(CoC)" and "Package (3) Type B Package";
 - iii) 10 CFR 71.85(c), Preliminary determinations;
 - iv) 10 CFR 71.88(a)4, Air transport of plutonium;
 - v) 10 CFR 71.93(c), Inspections and tests;
 - vi) 10 CFR 71.95(a)(1) and (a)(2);
 - vii) 10 CFR 71.97(c)(1), (c)(3)(iii), and (f), Advance notification of shipment of irradiated reactor fuel and nuclear waste; and
 - viii) 10 CFR 71.101(f), Quality assurance requirements;
2. 10 CFR 71.0(b), replace "parts of this chapter (e.g., 10 CFR parts 20, 21, 30, 40, 70 and 73)," with "State Regulations (e.g. N.J.A.C. 7:28-6, 51, 58, and 60)" and add "U.S. Nuclear Regulatory Commission (NRC)" into the list of other agencies;
3. 10 CFR 71.1(a), replace rule text with "Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be sent to the Department as specified in N.J.A.C. 7:28-1.5.";
4. 10 CFR 71.2, 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,";
5. 10 CFR 71.5(b), replace "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001" with "the Department in accordance with N.J.A.C. 7:28-1.5";
6. 10 CFR 71.7(b), replace "Administrator of the appropriate Regional Office" with "Department";
7. 10 CFR 71.9(c), replace "Commission licensee, certificate holder, applicant for a Commission license or a CoC" with "Department licensee, NRC certificate holder, applicant for a Department license or NRC CoC";
8. 10 CFR 71.9(e)(1), replace "Each licensee, certificate holder, and applicant for a license or CoC must prominently post the current revision of NRC Form 3, 'Notice to Employees,' referenced in §19.11(c) of this chapter" with "Each licensee, certificate holder, and applicant for a license or CoC must prominently post the current revision of Department Form RPP-14, 'Notice to Employees, Standards for Protection Against Radiation,' referenced in Subchapter 50";
9. 10 CFR 71.9(e)2, replace with "Copies of Department Form RPP 14 may be obtained from the Department in accordance with N.J.A.C. 7:28-1.5.";

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10. 10 CFR 71.12, replace "Commission" with "Department, with approval of the Commission on Radiation Protection," and replace "by law and will not endanger life or property nor the common defense and security" with "in accordance with the provisions of N.J.A.C. 7:28-2.8";

11. 10 CFR 71.13, replace "10 CFR part 35" with "N.J.A.C. 7:28-55";

12. 10 CFR 71.47(b)(4), replace "10 CFR 20.1502" with "N.J.A.C. 7:28-6";

13. 10 CFR 71.89, replace "10 CFR 20.1906" with "N.J.A.C. 7:28-6";

14. 10 CFR 71.95(c), replace "§ 71.1(a)" with "N.J.A.C.7:28-1.5" and replace "to: ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards" with "to the Department";

15. 10 CFR 71.101(c)1, replace "§ 71.1(a)" with "N.J.A.C.7:28-1.5" and replace "to: ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards" with "to the Department"; and

16. 10 CFR 71.101(f), replace "NRC, in accordance with § 71.1" with "Department, in accordance with N.J.A.C.7:28-1.5."

(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.