

16. 10 CFR 150.20(b)(3), replace "any non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters" with "New Jersey";

17. 10 CFR 150.20(b)(4), replace "non-Agreement States or in areas of exclusive Federal jurisdiction within Agreement States" with "New Jersey" and replace "year, except that the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time" with "year.";

18. 10 CFR 150.20(b)(5), add "or the U.S. Nuclear Regulatory Commission"; and

19. 10 CFR 150.33, replace the wording of 10 CFR 150.33 with "The Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq., provides for criminal sanctions for violation of any provision of the Act."

(d) The incorporation by reference of 10 CFR 150.20(b) shall not include the ability to issue general licenses to operate in areas of exclusive Federal jurisdiction and offshore waters, but only to Agreement State and NRC licensees that wish to operate within New Jersey's jurisdiction in accordance with N.J.A.C. 7:28-50.1(d).

(e) 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.

(f) 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.

#### HISTORY:

Amended by R.2014 d.083, effective May 5, 2014.

See: 45 N.J.R. 806(a), 46 N.J.R. 768(a).

Rewrote (b) and (c).

### SUBCHAPTER 63. LICENSES FOR INDUSTRIAL RADIOGRAPHY USING SEALED SOURCES AND RADIATION SAFETY REQUIREMENTS FOR SUCH INDUSTRIAL RADIOGRAPHIC OPERATIONS

#### § 7:28-63.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 34, Licenses for Industrial Radiography Using Sealed Sources and Radiation Safety Requirements for Such Industrial Radiographic Operations.

(b) The following provisions of 10 CFR Part 34 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 34.8, Information collection requirements: OMB approval; and

2. 10 CFR 34.121, Violations.

(c) The following provisions of 10 CFR Part 34 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 34 of the Code of Federal Regulations that are incorporated by reference, mean the Department, except in 10 CFR 34.20(a)(1) and (2);

2. In every instance, replace "\$ " or "\$\$ " with "10 CFR";

3. 10 CFR 34.1, replace "10 Parts 19, 20, 21, 30, 71, 150, 170, and 171 of this chapter" with "10 CFR Part 21 and N.J.A.C. 7:28-6, 50, 51, 61, 62 and 64";

4. 10 CFR 34.3, Definitions, "ALARA," replace "10 CFR Part 20" with "N.J.A.C. 7:28-6";

5. 10 CFR 34.5, replace "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";

6. 10 CFR 34.11, replace "on NRC Form 313, 'Application for Material License,' in accordance with the provisions of § 30.32 of this chapter," with "an original application for a specific State license";

7. 10 CFR 34.20(b)(2), replace "10 CFR part 71" with "N.J.A.C. 7:28-61";

8. 10 CFR 34.25(a), replace "10 CFR part 20 of this chapter" with "N.J.A.C. 7:28-6";

9. 10 CFR 34.27(a), add "New Jersey," after "authorized to do so by";

10. 10 CFR 34.27(b), add "or the U.S. NRC" after "an Agreement State";

11. 10 CFR 34.27(c)(1), add "or by the U.S. NRC" after "or by an Agreement State" and add "or the U.S. NRC" after "or an Agreement State";

12. 10 CFR 34.27(d), replace "Director, Office of Federal and State Materials and Environmental Management Programs, by an appropriate method listed in § 30.6(a) of this chapter" with "Manager, Bureau of Environmental Radiation";

13. 10 CFR 34.27(d), delete "A copy of the report must be sent to the Administrator of the appropriate Nuclear Regulatory Commission's Regional Office listed in appendix D of 10 CFR part 20 of this chapter 'Standards for Protection Against Radiation.'";

14. 10 CFR 34.27(e), add "or the U.S. NRC" after "an Agreement State";

## § 7:28-64.1

15. 10 CFR 34.35(b), replace "10 CFR part 71" with "N.J.A.C. 7:28-61";

16. 10 CFR 34.41(c), delete "offshore platform," and add "or by the U.S. NRC" after "by an Agreement State";

17. 10 CFR 34.42(c)(1), replace "10 CFR part 20 of this chapter" and "10 CFR part 20" with "N.J.A.C. 7:28-6" in both instances;

18. 10 CFR 34.43(a)(1), replace "Director, Office of Federal and State Materials and Environmental Management Programs, by an appropriate method listed in § 30.6(a) of this chapter" with "Manager, Bureau of Environmental Radiation, by an appropriate method listed in N.J.A.C. 7:28-51";

19. 10 CFR 34.43(b)(1), replace "10 CFR parts 19 and 20, of this chapter" with "N.J.A.C. 7:28-6 and 50," and replace "10 CFR 71" with "N.J.A.C. 7:28-61";

20. 10 CFR 34.43(c)(1), replace "10 CFR parts 19 and 20 of this chapter" with "N.J.A.C. 7:28-6 and 50" and replace "10 CFR part 71" with "N.J.A.C. 7:28-61";

21. 10 CFR 34.45(a)(1), replace "10 CFR part 20 of this chapter" with "N.J.A.C. 7:28-6";

22. 10 CFR 34.45(a)(9), delete "of this chapter";

23. 10 CFR 34.51, replace "10 CFR part 20 of this chapter" with "N.J.A.C. 7:28-6";

24. 10 CFR 34.89(b)(2), replace "10 CFR parts 19, 20, and 34 of NRC regulations" with "N.J.A.C. 7:28-6, 50, and 63";

25. 10 CFR 34.89(b)(12), delete "of this chapter" and add "or the U.S. NRC" after "Agreement State";

26. 10 CFR 34.101(a), replace "and under other sections of this chapter, such as § 21.21, each licensee shall send a written report to the NRC's Office of Federal and State Materials and Environmental Management Programs, by an appropriate method listed in § 30.6(a) of this chapter" with "each licensee shall send a written report to the Manager, Bureau of Environmental Radiation, by an appropriate method listed in N.J.A.C. 7:28-1.5";

27. 10 CFR 34.101(c), replace "appropriate NRC regional office listed in § 30.6(a)(2) of this chapter" with "Department, at an appropriate method listed in N.J.A.C. 7:28-1.5";

28. 10 CFR 34.111, 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."

29. 10 CFR 34.123, replace the wording of 10 CFR 34.123 with "The Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq., provides for criminal sanctions for violation of any provision of the Act.";

## NEW JERSEY ADMINISTRATIVE CODE

30. 10 CFR Part 34 Appendix A(I)(12), add "and/or the U.S. NRC" after "Agreement States";

31. 10 CFR Part 34 Appendix A(II)(1), add "or U.S. NRC" after "Agreement State";

32. 10 CFR Part 34 Appendix A(II)(2), add "or U.S. NRC" after "equivalent Agreement State" and add "or a U.S. NRC" after "an Agreement State"; and

33. 10 CFR Part 34 Appendix A(III)(1), add "or U.S. NRC" after "Agreement State."

(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.

### HISTORY:

Amended by R.2014 d.083, effective May 5, 2014.

See: 45 N.J.R. 806(a), 46 N.J.R. 768(a).

Rewrote (b) and (c).

## SUBCHAPTER 64. RADIOACTIVE MATERIALS LICENSE FEES

### § 7:28-64.1 Purpose and applicability

(a) This subchapter establishes fees for registration and licensing of radioactive materials. Annual license fees for radioactive materials are set forth in Tables 1 and 2 at N.J.A.C. 7:28-64.2.

(b) Fees will be effective on September 30, 2009.

(c) Fees for NRC licenses that are transferred to New Jersey will be prorated to July 2010, when the Department will again issue invoices for annual fees.

### HISTORY:

Administrative change.

See: 41 N.J.R. 3798(c).

### § 7:28-64.2 Schedule of fees

(a) Except as set forth in (b) and (c) below, this section incorporates by reference the table in 10 CFR 171.16 entitled "Schedule of materials annual fees and fees for government agencies licensed by NRC."

(b) The Department does not regulate nuclear reactors, special nuclear materials in quantities sufficient to form a critical mass, high-level waste disposal facilities, or byproduct material defined in Section 11e(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2014).

(c) Insofar as the incorporated rules refer to the facilities and/or materials in (b) above, they do not apply. The following provisions of the table identi-