

CHAPTER 28
RADIATION PROTECTION PROGRAMS

Authority

N.J.S.A. 26:2D-1 et seq., specifically 26:2D-7,
26:2D-9, 26:2D-21 and 26:2D-76.

Source and Effective Date

R.2005 d.239, effective June 21, 2005.
See: 37 N.J.R. 8(a), 37 N.J.R. 2675(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 28, Radiation Protection Programs, expires on June 21, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 28, Bureau of Radiation Protection, was filed and became effective prior to September 1, 1969.

Subchapter 19, Excessive Exposure to Ionizing Radiation, was adopted as R.1972 d.102, effective July 17, 1972. See: 4 N.J.R. 4(c).

Subchapter 25, Radiation Laboratory Fee Schedule, was adopted as R.1978 d.47, effective February 8, 1978. See: 9 N.J.R. 560(a), 10 N.J.R. 101(b).

Subchapter 24, Nuclear Medicine Technology, was adopted as R.1978 d.101, effective March 20, 1978. See: 9 N.J.R. 213(b), 10 N.J.R. 146(c).

Subchapter 21, Analytical X-Ray Installations, was adopted as R.1979 d.64, effective May 1, 1979. See: 10 N.J.R. 321(a), 11 N.J.R. 123(a).

Subchapter 41, Mercury Vapor Lamps, was adopted as R.1981 d.464, effective December 7, 1981. See: 13 N.J.R. 9(b), 13 N.J.R. 887(c).

Subchapter 1, General Provisions, and Subchapter 2, Use of Sources of Radiation and Special Exemptions, were repealed and Subchapter 1, General Provisions, and Subchapter 2, Use of Sources of Ionizing Radiation and Special Exemptions, were adopted as new rules by R.1983 d.592, effective December 19, 1983. See: 15 N.J.R. 391(a), 15 N.J.R. 2160(a).

Subchapter 42, Radio Frequency Radiation, was adopted as R.1984 d.337, effective August 6, 1984. See: 16 N.J.R. 7(a), 16 N.J.R. 2120(a).

Pursuant to Executive Order No. 66(1978), Subchapter 21, Analytical X-Ray Installations, was readopted as R.1984 d.353, effective August 6, 1984. See: 16 N.J.R. 1310(a), 16 N.J.R. 2276(a).

Subchapter 19, Medical Exposure to Ionizing Radiation by Radiologic Technologists, was adopted as R.1984 d.349, effective August 20, 1984. See: 16 N.J.R. 797(a), 16 N.J.R. 2271(a).

Pursuant to Executive Order No. 66(1978), Subchapter 24, Nuclear Medicine Technology, expired February 14, 1985.

Subchapter 24, Nuclear Medicine Technology, was adopted as new rules by R.1985 d.140, effective March 18, 1985. See: 17 N.J.R. 22(a), 17 N.J.R. 699(a).

Pursuant to Executive Order No. 66(1978), Subchapter 12, Transportation, was readopted as R.1985 d.387, effective August 5, 1985. See: 17 N.J.R. 1369(a), 17 N.J.R. 1884(a).

Subchapter 14, Therapeutic Installations, was repealed and Subchapter 14, Therapeutic Installations, was adopted as new rules by R.1987 d.258, effective July 6, 1987. See: 18 N.J.R. 1157(a), 19 N.J.R. 1196(c).

Subchapter 3, Registration: Radiation Protection Fee Schedule, was repealed and Subchapter 3, Registration of Ionizing Radiation-Producing Machines and Radioactive Materials, was adopted as new rules by R.1987 d.485, effective November 16, 1987. See: 19 N.J.R. 836(a), 19 N.J.R. 2167(a).

Subchapter 4, Licensing, was repealed and Subchapter 4, Licensing of Naturally Occurring and Accelerator Produced Radioactive Materials, was adopted as new rules by R.1987 d.483, effective November 16, 1987. See: 19 N.J.R. 1041(a), 19 N.J.R. 2171(a).

Subchapter 5, Controlled Areas, was repealed and Subchapter 5, Controlled Areas, was adopted as new rules by R.1987 d.484, effective November 16, 1987. See: 19 N.J.R. 839(a), 19 N.J.R. 2180(a).

Subchapter 25, Radiation Laboratory Fee Schedule, was repealed and Subchapter 25, Radiation Laboratory Fee Schedule, was adopted as new rules by R.1989 d.349, effective July 3, 1989. See: 21 N.J.R. 826(a), 21 N.J.R. 1904(a).

Pursuant to Executive Order No. 66(1978), Chapter 28, Bureau of Radiation Protection, was readopted as R.1990 d.427, effective July 30, 1990. See: 22 N.J.R. 890(a), 22 N.J.R. 2570(a).

Subchapter 16, Dental Radiographic Installations, was adopted as R.1990 d.538, effective November 5, 1990. See: 22 N.J.R. 894(a), 22 N.J.R. 3367(a).

Subchapter 27, Certification of Radon Testers and Mitigators, was adopted as R.1990 d.559, effective November 19, 1990 (operative January 13, 1991). See: 21 N.J.R. 3369(a), 22 N.J.R. 3516(a).

Subchapter 20, Particle Accelerators for Industrial and Research Use, was adopted as R.1992 d.52, effective February 3, 1992. See: 23 N.J.R. 1401(c), 24 N.J.R. 416(a).

Subchapter 15, Medical Diagnostic X-Ray Installations, was repealed and Subchapter 15, Medical Diagnostic X-Ray Installations, was adopted as new rules by R.1993 d.510, effective October 18, 1993. See: 25 N.J.R. 7(a), 25 N.J.R. 1039(a), 25 N.J.R. 4770(a), 25 N.J.R. 5148(a).

Subchapter 48, Fees for the Registration of Nonionizing Radiation Producing Sources, was adopted as R.1995 d.6, effective January 3, 1995. See: 25 N.J.R. 5422(a), 26 N.J.R. 793(b), 27 N.J.R. 99(a).

Pursuant to Executive Order No. 66(1978), Chapter 28, Bureau of Radiation Protection, was readopted as R.1995 d.457, effective July 28, 1995, and Subchapter 12, Transportation, was repealed by R.1995 d.457, effective August 21, 1995. See: 26 N.J.R. 4942(a), 27 N.J.R. 3157(b).

Pursuant to Executive Order No. 66(1978), Chapter 28, Bureau of Radiation Protection, was readopted as R.2000 d.120, effective February 25, 2000. As a part of R.2000 d.120, Chapter 28, Bureau of Radiation Protection, was renamed Radiation Protection Programs; and Subchapter 25, Radiation Laboratory Fee Schedule, was repealed, effective March 20, 2000. See: 31 N.J.R. 3007(a), 32 N.J.R. 1016(a).

Subchapter 24, Nuclear Medicine Technology, was repealed and Subchapter 24, Nuclear Medicine Technology, was adopted as new rules by R.2000 d.171, effective April 17, 2000. See: 31 N.J.R. 3012(a), 32 N.J.R. 1388(a).

Subchapter 12, Remediation Standards for Radioactive Materials, was adopted as R.2000 d.314, effective August 7, 2000. See: 31 N.J.R. 1723(a), 32 N.J.R. 2866(a).

Subchapter 22, Quality Assurance Programs for Medical Diagnostic X-ray Installations, was adopted as R.2001 d.37, effective January 16, 2001. See: 32 N.J.R. 1459(a), 33 N.J.R. 292(b).

Chapter 28, Radiation Protection Programs, was readopted as R.2005 d.239, effective June 21, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 19, Medical Exposure to Ionizing Radiation by Radiologic Technologists, was repealed and Subchapter 19, Radiologic Technology, was adopted as new rules by R.2008 d.234, effective August 18, 2008. See: 39 N.J.R. 4024(a), 40 N.J.R. 4790(b).

Chapter 28, Radiation Protection Programs, was amended by R.2008 d.281, effective September 15, 2008, operative upon publication of notice in the New Jersey Register by the Department of Environmental Protection that the U.S. Nuclear Regulatory Commission and the State of New Jersey have entered into an Agreement for the State to regulate source, certain special nuclear, and by-product material. See: 40 N.J.R. 2309(a), 40 N.J.R. 5196(b).

Subchapter 3, Registration of Ionizing Radiation-Producing Machines and Radioactive Materials, was renamed Registration of Ionizing Radiation-Producing Machines; Subchapter 4, Licensing of Naturally Occurring or Accelerator Produced Radioactive Materials, was renamed Licensing of Diffuse Naturally Occurring or Diffuse Accelerator Produced Radioactive Materials; Subchapter 5, Controlled Areas, was renamed Controlled Areas for Registrants; Subchapter 6, Dose Limits, was repealed and Subchapter 6, Standards For Protection Against Radiation, was adopted as new rules; Subchapter 7, Radiation Surveys and Personnel Monitoring, was renamed Radiation Surveys and Personnel Monitoring for Registrants; Subchapter 8, Records, was renamed Records for Registrants; Subchapter 9, Radioactive Contamination Control, was repealed; Subchapter 10, Labeling, Posting, and Controls, was renamed Labeling, Posting, and Controls for Registrants; Subchapter 11, Disposal of Radioactive Materials, was repealed; Subchapter 13, Reports of Thefts and Radiation Incidents, was renamed Reports of Thefts and Radiation Incidents for Registrants; Subchapter 17, Industrial and Nonmedical Radiography, was renamed Industrial and Nonmedical X-Ray Radiography; and Subchapter 50, Notices, Instructions and Reports To Workers: Inspection and Investigations, Subchapter 51, Rules of General Applicability to Domestic Licensing of Byproduct Material, Subchapter 52, General Domestic Licenses for Byproduct Material, Subchapter 53, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material, Subchapter 54, Specific Domestic Licenses of Broad Scope for Byproduct Material, Subchapter 55, Medical Use of Byproduct Material, Subchapter 56, Licenses and Radiation Safety Requirements for Irradiators, Subchapter 57, Licenses and Radiation Safety Requirements for Well Logging, Subchapter 58, Domestic Licensing of Source Material, Subchapter 59, Licensing Requirements for Land Disposal of Radioactive Waste, Subchapter 60, Domestic Licensing of Special Nuclear Material, Subchapter 61, Packaging and Transportation of Radioactive Material, Subchapter 62, Exemptions and Continued NRC Regulatory Authority in Agreement States and in Offshore Waters Under Section 274 (42 U.S.C. §2021), Subchapter 63, Licenses For Industrial Radiography Using Sealed Sources and Radiation Safety Requirements For Such Industrial Radiographic Operations, and Subchapter 64, Radioactive Materials License Fees were adopted as new rules, by R.2008 d.281, effective September 15, 2008 (operative September 30, 2009). See: 40 N.J.R. 2309(a), 40 N.J.R. 5196(b), 41 N.J.R. 3415(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 28, Radiation Protection Programs, was extended by gubernatorial directive from June 21, 2010 to June 21, 2011. See: 42 N.J.R. 468(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:28-1.1 Purpose and scope
- 7:28-1.2 Construction
- 7:28-1.3 Practice where rules do not govern
- 7:28-1.4 Definitions
- 7:28-1.5 Communications

SUBCHAPTER 2. USE OF SOURCES OF IONIZING RADIATION AND SPECIAL EXEMPTIONS

- 7:28-2.1 Authorized use of sources of ionizing radiation
- 7:28-2.2 Supervision
- 7:28-2.3 Instruction
- 7:28-2.4 Unattended radiation sources
- 7:28-2.5 Protective devices, systems or mechanisms
- 7:28-2.6 Intentional human irradiation
- 7:28-2.7 Exemptions for prevention or control of diseases
- 7:28-2.8 Special exemptions
- 7:28-2.9 Prohibited use
- 7:28-2.10 Emergency precautions
- 7:28-2.11 Inspections
- 7:28-2.12 Tests
- 7:28-2.13 Violations

SUBCHAPTER 3. REGISTRATION OF IONIZING RADIATION-PRODUCING MACHINES

- 7:28-3.1 Registration for possession of ionizing radiation-producing machines
- 7:28-3.2 Exemptions from registration for possession of ionizing radiation-producing machines
- 7:28-3.3 Registration of ionizing radiation-producing machines
- 7:28-3.4 Temporary registration of ionizing radiation-producing machines
- 7:28-3.5 (Reserved)
- 7:28-3.6 Transfer of registration for ionizing radiation-producing machines
- 7:28-3.7 Amendments to registration of ionizing radiation-producing machines
- 7:28-3.8 (Reserved)
- 7:28-3.9 Sale, installation, relocation or disposal of ionizing radiation-producing machines
- 7:28-3.10 Denial of an application for registration, and suspension, modification, or revocation of registration of ionizing radiation-producing machines
- 7:28-3.11 (Reserved)
- 7:28-3.12 Application and annual registration renewal fees for ionizing-radiation-producing machines
- 7:28-3.13 (Reserved)

SUBCHAPTER 4. LICENSING OF DIFFUSE NATURALLY OCCURRING OR DIFFUSE ACCELERATOR PRODUCED RADIOACTIVE MATERIALS

- 7:28-4.1 Scope and general provisions
- 7:28-4.2 Recognition of licenses for diffuse NARM from other jurisdictions
- 7:28-4.3 Exemption from requirement for a license for manufacture, production, transfer, distribution or arrangement of distribution, sale, lease, receipt, acquisition, ownership, possession or use of all diffuse naturally occurring or diffuse accelerator produced radioactive materials
- 7:28-4.4 Types of licenses for manufacture, production, transfer, distribution or arrangement for distribution, sale, lease, receipt, acquisition, ownership, possession or use of all diffuse naturally occurring or diffuse accelerator produced radioactive materials
- 7:28-4.5 General licenses for the transfer, distribution or arrangement for distribution, sale, lease, receipt, acquisition, ownership, possession or use of diffuse naturally occurring or diffuse accelerator produced radioactive materials and certain devices and equipment
- 7:28-4.6 Application for and renewal of specific licenses for manufacture, transfer, distribution or arrangement for distribution, sale, lease, receipt, acquisition, ownership, possession or use of diffuse naturally occurring or diffuse accelerator produced radioactive materials
- 7:28-4.7 General requirements for approval of an application for an initial specific license or renewal of a specific license for use of diffuse naturally occurring or diffuse accelerator produced materials
- 7:28-4.8 Special requirements for approval of an application for an initial specific license or renewal of a specific license for use of diffuse naturally occurring or diffuse accelerator produced radioactive materials
- 7:28-4.9 Terms and conditions of general and specific licenses
- 7:28-4.10 Expiration of specific license
- 7:28-4.11 Status of specific licenses pending renewal
- 7:28-4.12 Amendment of a specific license at request of licensee
- 7:28-4.13 Records
- 7:28-4.14 Inspections
- 7:28-4.15 Tests
- 7:28-4.16 Financial assurance and recordkeeping for decommissioning
- 7:28-4.17 Modification, revocation, suspension, and termination of general and specific licenses
- 7:28-4.18 Requests for an adjudicatory hearing