

(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.

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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.

(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 34.41(c), and 34.27(a) and (c)(1);

2. 10 CFR 34.1, replace "parts 19, 20, 21, 30, 71, 150, 170, and 171" with "10 CFR Part 21 and N.J.A.C. 7:28-6, 50, 51, 61, 62 and 64";

3. 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";

4. 10 CFR 34.13(a), replace "§30.33 of this chapter" with "N.J.A.C. 7:28-51";

5. 10 CFR 34.25(a), replace "10 CFR part 20" with "N.J.A.C. 7:28-6";

6. 10 CFR 34.27(d), replace "Director of Nuclear Material Safety and Safeguards" with "Manager, Bureau of Environmental Radiation";

7. 10 CFR 34.27(d), replace "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'" with "Manager, Bureau of Environmental Radiation";

8. 10 CFR 34.33(a)(1), replace "§20.1601(a)(1) of this chapter" with "N.J.A.C. 7:28-6";

9. 10 CFR 34.35(b), replace "10 CFR part 71" with "N.J.A.C. 7:28-61";

10. 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;

11. 10 CFR 34.42(c)(4), replace "§20.2203 of this chapter" with "N.J.A.C. 7:28-6";

12. 10 CFR 34.43(a)(1), replace "Director, Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in §30.6(a)" with "Manager, Bureau of Environmental Radiation, by an appropriate method listed in N.J.A.C. 7:28-51";

13. 10 CFR 34.43(b)(1), replace "in §§30.7, 30.9, and 30.10" with "N.J.A.C. 7:28-51", replace "10 CFR parts 19 and 20" with "N.J.A.C. 7:28-6 and 50", and replace "10 CFR 71" with "N.J.A.C. 7:28-61";

14. 10 CFR 34.43(c)(1), replace "in §§30.7, 30.9, and 30.10" with "N.J.A.C. 7:28-51", replace "10 CFR parts 19 and 20" with "N.J.A.C. 7:28-6 and 50", and replace "10 CFR part 71" with "N.J.A.C. 7:28-61";

15. 10 CFR 34.45(a)(1), replace "10 CFR part 20" with "N.J.A.C. 7:28-6";

16. 10 CFR 34.51, replace "10 CFR part 20" with "N.J.A.C. 7:28-6";

17. 10 CFR 34.53, replace "§20.1902" with "N.J.A.C. 7:28-6" and replace "§20.1903" with "N.J.A.C. 7:28-6";

18. 10 CFR 34.89(b)(2), replace "19, 20," with "and N.J.A.C. 7:28-6, 50, and 63";

19. 10 CFR 34.89(b)(11), replace "§71.5" with "N.J.A.C. 7:28-61";

20. 10 CFR 34.89(b)(12), and replace "§150.20" with "N.J.A.C. 7:28-62";

21. 10 CFR 34.101(a), replace "§30.50 and under other sections of this chapter, such as §21.21, each licensee shall send a written report to the NRC's Office of Nuclear Material Safety and Safeguards, Division of Industrial and Medical Nuclear Safety, by an appropriate method listed in §30.6(a) of this chapter" with "N.J.A.C. 7:28-51 and under other sections of this subchapter or Federal rule such as 10

CFR §21.21, each licensee shall send a written report to the Manager, Bureau of Environmental Radiation, by an appropriate method listed in N.J.A.C. 7:28-51”;

22. 10 CFR 34.101(b), replace “10 CFR 20.2203” with “N.J.A.C. 7:28-6”;

23. 10 CFR 34.101(c), replace “appropriate NRC regional office listed in §30.6(a)(2) of this chapter” with “Department”; and

24. 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.”

(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.

## 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 the (the operative date of the rules).

(c) Fees for NRC licenses that are transferred to New Jersey will be prorated to (July of the year following the operative date of these rules), when the Department will again issue invoices for annual fees.

### 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 identified in (a) above are incorporated by reference with the specified changes:

1. Delete column 2, labeled “Annual fees”;
2. Delete row labeled 2.A.(5);
3. Row labeled 3.A, replace “parts 30 and 33 of this chapter” with “N.J.A.C. 7:28-51 and 54”;
4. Row labeled 3.C., replace “§§32.72 and/or 32.74 of this chapter” with “N.J.A.C. 7:28-53”;
5. Row labeled 3.C., delete “This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under 171.11(a)(1). The licenses are covered by fee under Category 3.D.”;
6. Row labeled 3.J., replace “Subpart B of part 32 of this chapter” with “N.J.A.C. 7:28-53,” and replace “part 31 of this chapter” with “N.J.A.C. 7:28-52”;
7. Row labeled 3.K, replace “Subpart B of part 32 of this chapter” with “N.J.A.C. 7:28-53,” and replace “part 31 of this chapter” with “N.J.A.C. 7:28-52”;
8. Row labeled 3.L., replace “parts 30 and 33 of this chapter” with “N.J.A.C. 7:28-51 and 54”;
9. Row labeled 3.M., replace “part 30 of this chapter” with “N.J.A.C. 7:28-51”;
10. Row labeled 3.O., replace “part 40 of this chapter” with “N.J.A.C. 7:28-58”;
11. Row labeled 3.R., replace “10 CFR 31.12” with “N.J.A.C. 7:28-52”;
12. Row labeled 3.R.2., replace “10 CFR 31.12(a)(4), or (5)” with “N.J.A.C. 7:28-52”;
13. Row labeled 7.A., replace “parts 30, 35, 40, and 70 of this chapter” with “N.J.A.C. 7:28-51, 55, 58, and 60”;
14. Row labeled 7.B., replace “parts 30, 33, 35, 40, and 70” with “N.J.A.C. 7:28-51, 54, 55, 58, and 60”;
15. Row labeled 7.C., replace “parts 30, 35, 40, and 70 of this chapter” with “N.J.A.C. 7:28-51, 55, 58, and 60”; and
16. Row labeled 14.A., replace “parts 30, 40, 70, 72, and 76 of this chapter” with “N.J.A.C. 7:28-51, 58, and 60.”

(d) Fees for source, byproduct, and certain special nuclear materials are established in Table 1, **Schedule of Source, Special Nuclear, and Byproduct Material Annual Fees**, and are matched to the NRC categories, incorporated by reference in (a) and (b) above.