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SUBCHAPTER 55. MEDICAL USE OF BYPRODUCT MATERIAL

7:28-55.1 Incorporation by reference

(a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference [10 CFR Part 35](#).

(b) The following provisions of 10 CFR Part 35 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 35.8, Information collection requirements: OMB approval
2. 10 CFR 35.63(b)(2)(i);

(c) The following provisions of 10 CFR Part 35 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 35 of the Code of Federal Regulations, that are incorporated by reference, means the Department, except when specifically noted in this subchapter.
2. 10 CFR 35.1, delete "20," and add "and N.J.A.C. 7:28-6" after "of this chapter";
3. 10 CFR 35.12(b)(1), replace "Filing an original and one copy of NRC Form 313, "Application for Material License," with "Filing an original application for a specific license from the State with the Department on forms available from the Department,";
4. 10 C.F.R 35.12(c), delete the wording "amendment or";
5. 10 CFR 35.12(c)(1), delete the wording "and one copy" and "either";
6. 10 CFR 35.12(c)(1)(i), delete the wording "NRC Form 313, 'Application for Material License,;' or" and replace with "an initial application or renewal application form available from the Department";
7. 10 CFR 35.12(c)(1)(ii), delete wording "or renewal";
8. 10 CFR 35.12(d), create new wording for (d) to state "A request for an amendment must be made by submitting a letter requesting the amendment with relevant supporting documentation as required by 35.610, 35.642, 35.643, and 35.645, as applicable";
9. 10 CFR 35.12(d), change existing citation to 35.12(e);
10. 10 CFR 35.12(e), change existing citation to 35.12(f);
11. 10 CFR 35.18(a)(1), delete the wording "NRC Form 313 'Application for Material License,' and replace with "an original application for a specific license from the State";
12. 10 CFR 35.24(a), replace "§ 20.1101 of this chapter" with "N.J.A.C. 7:28-6";
13. 10 CFR 35.61(a), replace "10 CFR Part 20" with "N.J.A.C. 7:28-6";
14. 10 CFR 35.70(a), replace "Part 20 of this chapter" with "N.J.A.C. 7:28-6";
15. 10 CFR 35.80(a)(4), replace "Part 20 of this chapter" with "N.J.A.C. 7:28-6";

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16. 10 CFR 35.310(a)(2)(i), replace “§ 20.1301(a)(1) of this chapter” with “N.J.A.C. 7:28-6”;
17. 10 CFR 35.310(a)(2)(ii), replace “§ 20.1301(c) of this chapter” with “N.J.A.C. 7:28-6”;
18. 10 CFR 35.410(a)(4)(i), replace “§ 20.1301(a)(1) of this chapter” with “N.J.A.C. 7:28-6”;
19. 10 CFR 35.410(a)(4)(ii), replace “§ 20.1301(c) of this chapter” with “N.J.A.C. 7:28-6”;
20. 10 CFR 35.652(a), replace “§ 20.1501 of this chapter” with “N.J.A.C. 7:28-6”;
21. 10 CFR 35.3045(c), replace “NRC Operations Center” with “Department”;
22. 10 CFR 35.3047(c), replace “NRC Operations Center” with “Department”;
23. 10 CFR 35.3047(d), replace “appropriate NRC Regional Office listed in § 30.6 of this chapter” with “Department”; and
24. 10 CFR 35.3067, replace “appropriate NRC Regional Office listed in § 30.6 of this chapter” with “Department” and delete “, with a copy to the Director, Office of Nuclear Material Safety and Safeguards.”

(d) For those facilities whose radioactive materials are licensed solely by the Department, NRC Form 3, “Notice to Employees” shall mean the Department’s Form RPP-14, “Notice to Employees, Standards for Protection Against Radiation,” available from the Department via the Department’s website at: www.nj.gov/dep/rpp/rms/rmsdown.htm, or by requesting a copy by telephone during business hours at (609) 984-5462.

(e) Those facilities which possess a license from the Department and the NRC for radioactive materials shall post both the NRC’s Form 3, “Notice to Employees” and the Department’s Form RPP-14, “Notice to Employees, Standards for Protection Against Radiation.”

(f) 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.

(g) 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.