CHAPTER 33.1-10-18
GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

Section
33.1-10-18-01 Adoption by Reference of Several Sections in 10 Code of Federal Regulations Part 31

33.1-10-18-01. Adoption by reference of several sections in 10 Code of Federal Regulations part 31.

10 Code of Federal Regulations 31.1, 31.2, 31.3, 31.5, 31.6, 31.7, 31.8, 31.9, 31.10, 31.11, and 31.12 are adopted by reference as they exist on October 1, 2015, with the following exceptions:

1. Not adopted by reference are 10 Code of Federal Regulations 31.3(b) and (c) and 31.6(a).

2. Requirements in 10 Code of Federal Regulations part 31 that apply to "byproduct material" also apply to naturally occurring or accelerator-produced radioactive material.

3. Where the words "NRC", "commission", "nuclear regulatory commission", "United States nuclear regulatory commission", or "director of nuclear material safety and safeguards" appear in 10 Code of Federal Regulations part 31, substitute the words "department of environmental quality" except when used in 10 Code of Federal Regulations 31.8(c)(2) and 31.11(d)(2).

4. Reporting required in 10 Code of Federal Regulations 31.5(c)(5), 31.5(c)(8)(ii), 31.5(c)(9)(i), 31.5(c)(11), and 31.5(c)(14) shall be submitted to the department of environmental quality as follows:

   a. By mail addressed to:

      Radiation Control Program
      Department of Environmental Quality
      4201 Normandy Street, Second Floor
      Bismarck, ND 58503-1324

   b. By hand delivery to:

      Radiation Control Program
      Department of Environmental Quality
      4201 Normandy Street, Second Floor
      Bismarck, ND

   c. By electronic submission to ram@nd.gov. Electronic submissions must be made in a manner that enables the department of environmental quality to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time.

5. North Dakota state form number 8423, "certificate - in vitro testing with radioactive material under general license", must be used instead of nuclear regulatory commission form 483 as specified in 10 Code of Federal Regulations part 31.

6. References in 10 Code of Federal Regulations part 31 to specific licenses issued by an agreement state also include specific licenses issued by the United States nuclear regulatory commission.

History: Effective January 1, 2019; amended effective January 1, 2023.
General Authority: NDCC 23.1-03-04; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-03-03, 23.1-03-04; S.L. 2017, ch. 199, § 18