

NORTH DAKOTA ADMINISTRATIVE CODE

Supplement 370
Addendum

October 2018

**Prepared by the Legislative Council staff
for the
Administrative Rules Committee**

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TITLE 33
STATE DEPARTMENT OF HEALTH

OCTOBER 2018

CHAPTER 33-10-13.1

33-10-13.1-01. Adoption by reference of several sections in 10 Code of Federal Regulations part 71.

10 Code of Federal Regulations 71.0, 71.3, 71.4, 71.5, 71.7, 71.8, 71.9, 71.10, 71.12, 71.13, 71.14, 71.15, 71.17, ~~71.20~~, 71.21, 71.22, 71.23, 71.47, 71.81, 71.83, 71.85, 71.87, 71.88, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.127, 71.129, 71.131, 71.133, 71.135, and 71.137 and appendix A to part 71 are adopted by reference as they exist on December 1, 2015, with the following exceptions:

1. Not adopted by reference are 10 Code of Federal Regulations 71.0(d), 71.14(b), 71.85 (a)-(c), 71.91(b), and 71.101(c)(2), (d), and (e).
2. Requirements in 10 Code of Federal Regulations part 71 that apply to "licensed material" or "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 "administrator of the appropriate regional office" appear in 10 Code of Federal Regulations part 71, substitute the words "North Dakota state department of health" except when used in 10 Code of Federal Regulations 71.5(b), 71.10, 71.17(b), (c) (3), and (e), 71.85(c), 71.88(a)(4), 71.93(c), 71.95, 71.97(c), and (c)(3)(iii), and (f); ~~and 71.101(e)(1)~~.
4. The terms "certificate of compliance, compliance holder or applicant" used in 10 Code of Federal Regulations 71.91(c) and (d), 71.101(a)-(c), 71.103(a), and 71.135 apply only to the United States nuclear regulatory commission as the nuclear regulatory commission is the sole authority for issuing a package's certificate of compliance.
- ~~5.~~ 10 Code of Federal Regulations 71.9 employee protection also applies to violations of North Dakota Century Code chapters 23-20 and 23-20.1.
- ~~5-6.~~ State form number 8414, "notice to employees", must be posted instead of United States nuclear regulatory commission form 3 that is specified in 10 Code of Federal Regulations part 71.

History: Effective January 1, 2011; amended effective October 1, 2016; January 1, 2018; October 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02