

CHAPTER 33-10-19
RECIPROCAL RECOGNITION OF LICENSES

Section

33-10-19-01 Adoption by Reference of Several Sections in 10 Code of Federal Regulations Part 150

33-10-19-01. Adoption by reference of several sections in 10 Code of Federal Regulations part 150.

10 Code of Federal Regulations 150.1, 150.2, 150.3, 150.11, 150.20, 150.31, and 150.32 are adopted by reference as they exist on December 1, 2015, with the following exceptions:

1. Not adopted by reference is 10 Code of Federal Regulations 150.3 foreign obligations.
2. Requirements in 10 Code of Federal Regulations part 150 that apply to "byproduct material" also apply to naturally occurring or accelerator-produced radioactive material.
3. Where the words "NRC", "commission", "nuclear regulatory commission", "regional administrator", "United States nuclear regulatory commission", "region", or "regional administrator of the United States nuclear regulatory commission regional office" appear in 10 Code of Federal Regulations part 150, substitute the words "North Dakota state department of health" except when used in section 150.5.
4. "Act" includes North Dakota Century Code chapters 23-20 and 23-20.1.
5. North Dakota state form number 58230, "radioactive material reciprocity request", must be used instead of nuclear regulatory commission form 241 as specified in 10 Code of Federal Regulations part 150.
6. Where the words "non-agreement states", "areas of exclusive federal jurisdiction within agreement states", or "offshore waters" are used in 10 Code of Federal Regulations 150.20(a) (1)(i), (ii), (iii), (b), (b)(3), and (b)(4) substitute the words "state of North Dakota".
7. Where the words "agreement states license" are used in 10 Code of Federal Regulations 150.20, also add the words "nuclear regulatory commission license". Where the words "license issued by an agreement state" are used in 10 Code of Federal Regulations 150.20 also add the words "license issued by the nuclear regulatory commission". Where the words "license from an agreement state" are used in 10 Code of Federal Regulations 150.20 also add the words "license from the nuclear regulatory commission".
8. The words "for the first time in a calendar year" are stricken from 10 Code of Federal Regulations 150.20(b)(1).
9. Where the words "in any calendar year, except that the general license in paragraph (a) of this section concerning activities in offshore water authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time" are used in 10 Code of Federal Regulations 150.20(b)(4), substitutes the words "in a 365-day period".
10. For references to 10 Code of Federal Regulations part 170, see chapter 33-10-11 for applicable fee schedules.

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

General Authority: NDCC 23-20.1-04

Law Implemented: NDCC 23-20.1-03, 23-20.1-04