

Incorporation by Reference 10CFR Part 37

Section 16.112 is repealed and replaced to read:

16.112 Physical Protection of Category 1 and Category 2 quantities of radioactive material.

(a) This section contains the requirements for the physical protection program for any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material, which provide reasonable assurance of the security of such material from theft or diversion. Specific requirements for access to material, use of material, transfer of material, and transport of material are included.

(b) The licensee shall comply with Section 71.97 of Title 10 Code of Federal Regulations, Part 71, Packaging and Transportation of Radioactive Material, January 1, 2018 version.

(c) The licensee shall comply with the Title 10 Code of Federal Regulations, Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," January 1, 2016 version, except as follows:

(1) Sections 37.1, 37.3, 37.7, 37.9, 37.11(a-b), 37.13, 37.105, 37.107, and 37.109 are excluded.

(2) Any reference to the Commission or NRC shall be deemed to be a reference to the New York State Department of Health, except:

(i) 37.5 Definitions: Agreement State, Byproduct material, Commission, Fingerprint orders, Person,

(ii) 37.25(b),

(iii) 37.27(a) and (c),

(iv) 37.29(a),

(v) 37.71 referring to NRC's license verification system.

(3) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a-d), and 37.81, shall be reported to the Department by means specified in 10 NYCRR 16.1(c) instead of to the NRC.

(4) The address for submitting fingerprint cards specified in 37.27(c)(1) is changed to read:

U.S. Nuclear Regulatory Commission
Criminal History Program
Division of Facilities and Security
11545 Rockville Pike, Mail Stop T-7D04M
Rockville, MD 20852

(5) Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this section to the extent that they transport or store radioactive material in the regular course of carriage for another or storage incident thereto.