

Incorporation by reference 10CFR Part 31

New Section

16.xxx General licenses, Items, Terms and Conditions.

(a) This section establishes:

- (1) general licenses for the possession and use of radioactive material;**
- (2) a general license for ownership of radioactive material;**
- (3) registration requirements for certain devices;**
- (4) a limit of no more than one millicurie of gamma-emitting radioactive material in a sealed source, where gamma radiation is the emission of interest, and no more than one millicurie of strontium 90 or any transuranic radionuclide per device that may be possessed or used under a general license, and;**
- (5) terms, conditions and limitations.**

(b) Any person who possesses or uses radioactive material under a general license shall comply with the provisions of the following federal regulations, which are hereby incorporated by reference, with the same force and effect as if fully set forth at length herein: Title 10 of the Code of Federal Regulations, Part 31, General Domestic Licenses for Byproduct Material, except as follows:

- (1) 31.1-31.4, 31.11, 31.5(c)(13)(i), (ii) and (iv), and 31.21-31.23 are excluded.**
- (2) Any reference to the Commission, NRC, Director, Office of Nuclear Material Safety and Safeguards, NRC Regional Office or any other office thereof shall be deemed to be a reference to the New York State Department of Health, except: for when used in 31.8(c)(2) and 31.11(d)(2).**
- (3) Reporting required in 31.5, other than reports of import or export, shall be submitted to the Department by means specified in 16.1(c), instead of to the NRC by method listed in 30.6(a).**
- (4) Upon receipt of any measuring, gauging or controlling devices that contain radioactive material not exceeding the limits specified in subdivision (a) of this section, each person shall register the device with the Department on a form prescribed by the Department and accompanied by the required fee. Each address for a location of use represents a separate general licensee and requires a separate registration and fee.**

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(5) Any reference in 10 CFR 31 to the import or export of radioactive material is under the direct and exclusive jurisdiction of the NRC.

(c) Any person who is licensed pursuant to section 16.123 for medical use is also authorized to use radioactive material described in 10 CFR 31.11 (a) under the conditions of such specific license without filing for a general license registration.