

## **Incorporation by reference 10CFR Part 36**

### **New Section**

#### **16.xxx Licenses and Radiation Safety Requirements for Irradiators**

(a) This section contains requirements for the issuance of a license authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials using gamma radiation. This section also contains radiation safety requirements for operating irradiators. These requirements are in addition to other requirements of this Part. Nothing in this section relieves the licensee from complying with other applicable Federal, State and local regulations governing the siting, zoning, land use, and building code requirements for industrial facilities.

(b) The regulations in this section apply to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources and to underwater irradiators in which both the source and the product being irradiated are under water. Irradiators whose dose rates exceed 5 grays (500 rads) per hour at 1 meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type, are covered by this part.

(c) The regulations in this section do not apply to self-contained dry-source-storage irradiators (those in which both the source and the area subject to irradiation are contained within a device and are not accessible by personnel), medical radiology or teletherapy, radiography (the irradiation of materials for nondestructive testing purposes), gauging, or open-field (agricultural) irradiations.

(d). Any person conducting irradiator operations 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 36, Licenses and Radiation Safety Requirements for Irradiators, except as follows:

(1) 36.2 definitions of “commencement of construction” and “construction”, 36.5. 36.8. 36.11, 36.15, 36.17, 36.19, 36.91 and 36.93 are excluded.

(2) 36.21 (a)(1) is amended to add “or equivalent Agreement State Regulations” following “10 CFR 32.210”

(3) 36.23(g) is amended to replace “10 CFR 20.1902” with “this Part”.

(4) 36.51(a)(2) is amended to replace” Parts 19 and 36 of NRC regulations” with “this Part”.

(5) 36.55 (a) is amended to replace “20.1501(c)” with “20.1501(d)”.

(6) 36.83(b) is amended to read: The report must include a telephone report within 24 hours as described in 30.50(c)(1), and a written report within 30 days as described in 10CFR 30.50(c)(2), except that such reports shall be made to the Department by means specified in 16.1(c) instead of to the NRC Operation Center.

(7) Any reference to the Commission, NRC, or NRC Regional Office shall be deemed to be a reference to the New York State Department of Health, except: for 36.59(a) and (c).

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