

## **Incorporation by Reference 10CFR Part 32**

### **New Section**

16.xxx Licenses to manufacture or transfer certain items containing radioactive material.

(a)(1) This section contains requirements for the issuance of specific licenses to persons who manufacture or initially transfer items containing radioactive material for sale or distribution to:

(i) Persons exempted from the licensing requirements of this Part, or equivalent regulations of an Agreement State, the NRC, or

(ii) Persons generally licensed under this Part or equivalent regulations of an Agreement State or the NRC.

(iii) Persons licensed under section 16.123.

(2) This section prescribes requirements for the issuance of specific licenses to persons who introduce radioactive material into a product or material owned by or in the possession of a licensee or another, and regulations governing holders of such licenses.

(3) This section prescribes certain requirements governing holders of licenses to manufacture or distribute items containing byproduct material.

(4) This section describes procedures and prescribes requirements for the issuance of certificates of registration (covering radiation safety information about a product) to manufacturers or initial transferors of sealed sources or devices containing sealed sources.

(b) The provisions and requirements of this section are in addition to, and not in substitution for, other requirements of this Part.

(c) Any person who manufactures or transfers items containing radioactive material 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 32, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material, except as follows:

(1) 32.1, 32.11, 32.12, 32.14 through 32.23, 32.25 through 32.32, 32.301, and 32.303 are excluded.

(2) Any reference to the Commission, NRC, or 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 32.51(a)(3)(iii), 32.54(a), 32.58, 32.71(d), 32.72(b)(5), and 32.74(a)(3).

(3) Reporting required in 32.56(a) shall be submitted to the Department by means specified in 16.1(c), instead of to the NRC.