

May 6, 2010

Stephen M. Gavitt, CHP, Director
Bureau of Environmental Radiation Protection
New York State Department of Health
547 River Street
Troy, NY 12180-2216

Dear Mr. Gavitt:

We have reviewed the proposed changes to the New York State Department of Health regulations for the draft new section 16.125, Industrial Radiography and a draft license condition, received by our office on March 4, 2010. These legally binding requirements were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 34 and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Robert Dansereau on May 4, 2010.

As a result of our review, we have 16 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the New York State Department of Health regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final New York State Department of Health regulations or the revised license condition. However, we have determined that if your draft license condition was revised or the proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. We also request that when the license condition is revised to address our comments, a copy of the revised legally binding requirement be provided to us to review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The SRS Data Sheet summarizes our knowledge of the status of other New York State Department of Health regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

-2-

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at (301)415-2320 (kathleen.schneider@nrc.gov) or Rachel S. Browder at (817) 276-6552 or (rachel.browder@nrc.gov).

Sincerely,

/RA A. D. White for/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:
As stated

[Concurrence Page]

Enclosures: As stated

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**COMPATIBILITY COMMENTS ON NEW YORK
STATE DEPARTMENT OF HEALTH PROPOSED REGULATIONS
AND DRAFT LICENSE CONDITION**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	16.125(a) and License Condition (LC) XX (a)	34.3	1997-5	B	<p>Definitions: Certifying entity</p> <p>New York State Department of Health (NYSDH) definition for certifying entity as drafted is inconsistent with the definition in 10 CFR 34.3. Independent certifying organization must meet all the requirements of 10 CFR 34, Appendix A, as approved by NRC or an Agreement State meeting the requirements of Part II and III of 10 CFR 34, Appendix A, as recognized by NRC.</p> <p>NYSDH needs to revise its definition to address the above differences in order to meet the Compatibility Category B designation assigned to 10 CFR 34.3 definition Certifying entity.</p>
2	16.125(a) and LC XX(a)	34.3	1997-5	B	<p>Definitions: Independent certifying organization</p> <p>NYSDH definition reference Appendix A, which is an incorrect reference for the State. NYSDH proposed legally binding requirements (proposed regulations and draft license condition) do not contain an Appendix A.</p> <p>NYSDH needs to revise its definition to include Parts I, II and III of 10 CFR 34, Appendix A in order to meet the Compatibility Category B designation assigned to 10 CFR 34.3 definition Independent certifying entity.</p>
3	16.125(a) and LC XX (a)	34.3	1997-5	B	<p>Definitions: Radiographer's Assistant</p> <p>NYSDH definition uses the term "personal supervision of a radiographer". This needs to be changed to "direct supervision of a radiographer."</p> <p>NYSDH needs to make the above change order to meet the Compatibility Category B designation</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					assigned to 10 CFR 34.3 definition Radiographer's Assistant.
4	16.125(a) and LC XX (a)	34.3	1997-5	B	<p>Definitions: Temporary Jobsite</p> <p>NYSDH omitted the phrase "and where licensed material may be stored other than those locations of use authorized on the license" from its definition of temporary jobsite.</p> <p>NYSDH needs to add the above wording to meet the Compatibility Category B designation assigned to 10 CFR 34.3 definition Temporary jobsite.</p>
5	16.125(b)(2)(iii) and LC (XX) (b)(2)(iii)	34.20(b)(3)	1997-5	B	<p>Performance requirements of industrial radiography equipment</p> <p>NYSDH does not include "source changers" and "source assemblies" from the list of equipment that is prohibited from being modified.</p> <p>NYSDH needs to add "source changers" and "source assemblies" to their legally binding requirements to meet the Compatibility Category B designation assigned to 10 CFR 34.20(b)(3).</p>
6	16.125(b)(3)(vi) and LC (XX) (b)(3)(vi)	34.20(c)(5)	1997-5	B	<p>Performance requirements of industrial radiography equipment</p> <p>NYSDH omitted the "tube" after "guide".</p> <p>NYSDH proposed revisions to incorporate 10 CFR 34.20(c)(5) does not reflect the revisions that were incorporated in 1997, when the specific requirements in ANSI N432-1980 were removed. NYSDH needs to adopt the equivalent regulation text to 10 CFR 34.20(c)(5).</p> <p>NYSDH needs to make the above changes to their legally binding requirements to meet the Compatibility Category B designation assigned to 10 CFR 34.20(c)(5).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
7	16.125(b)(4) and LC (XX) (b)(4)	34.20(d)	1997-5	B	<p>Performance requirements of industrial radiography equipment</p> <p>NYS DH specifies that “all associated equipment acquired after January 10, 1996 shall be labeled to identify that the components have met the requirements of this section.” 10 CFR 34.20(d) requires “All radiographic exposure devices and associated equipment in use after January 10, 1996, must comply with the requirements of this section.”</p> <p>NYS DH needs to include “exposure devices” and address any associated equipment that was acquired prior to January 10, 1996 (and still in use).</p> <p>NYS DH needs to make the above changes to their legally binding requirements to meet the Compatibility Category B designation assigned to 10 CFR 34.20(d).</p>
8	16.125(f) and LC XX (f)	34.27	1997-5	C	<p>Leak testing and replacement of sealed sources</p> <p>NYS DH does not have a regulation that requires that the analysis must be capable of detecting the presence of 185 Bq of radioactive material on the test sample per 10 CFR 34.27(c)(1).</p> <p>NYS DH needs to make the above change to their legally binding requirements to meet the Compatibility Category C designation assigned to 10 CFR 34.27(c)(1).</p>
9	16.125(h)(1) and LC XX (h)(1)	34.31	1997-5	C	<p>Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments</p> <p>NYS DH omitted the phrase “and operability” after the word “visually” and omitted the phrase “that the sources are adequately shielded,” after “in good working condition” from its equivalent to 10 CFR 34.31(a).</p> <p>NYS DH needs to make the above changes to meet the Compatibility Category C designation assigned to</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					10 CFR 34.31(a).
10	16.125(j) and LC XX (j)	34.35	1997-5	B	<p>Labeling, storage, and transportation</p> <p>NYSDH added “..CAUTION (OR DANGER) RADIOACTIVE MATERIAL – DO NOT HANDLE...” whereas, the NRC regulation in 10 CFR 34.35(a) does not have the wording “DO NOT HANDLE”.</p> <p>NYSDH needs to delete the phrase “DO NOT HANDLE” to meet the Compatibility Category B designation assigned to 10 CFR 34.35(a)</p>
11	16.125(k)(1) and LC XX (k)(1)	34.42	1997-5	B	<p>Radiation safety officer for industrial radiography</p> <p>NYSDH uses 2 years instead of 2000 hours without defining the number of hours required within the 2 year time period as specified in 10 CFR 34.42(a)(2).</p> <p>NYSDH needs to specify the 2000 hours to meet the Compatibility Category B designation assigned to 10 CFR 34.42(a)(2).</p>
12	16.125(l)(1)(i)-(iii) and (vii) and LC XX (l)(1)(i)-(iii) and (vii)	34.43 (a)(1) and Appendix A	1997-5	B	<p>Training</p> <p>Radiographer certification</p> <p>NYSDH references subparagraph (vii) of the legally binding requirements to correspond to the equivalent to 10 CFR Part 34, Appendix A. However, 16.125(l)(1)(vii) is equivalent only to 10 CFR Part 34, Appendix A, Part II and III. Part I is omitted.</p> <p>NYSDH needs to include 10 CFR 34, Appendix A, Part I to their legally binding requirements to meet the Compatibility Category B designation assigned to 10 CFR 34.43(a)(1) and 10 CFR 34, Appendix A</p>
13	16.125(l)(2) and LC XX (l)(2)	34.43 (b) and (c)	1997-5	B	<p>Training</p> <p>Radiographer certification</p> <p>NYSDH omits the requirement for “applicable DOT regulation in 10 CFR Part 71” for radiographer and</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>radiographer's assistants in 10 CFR 34.43 (b) and (c).</p> <p>NYSDH allows written or oral test for radiographer's assistants in its equivalent to 10 CFR 34.43 (c), whereas the NRC only allows written test.</p> <p>NYSDH needs to make the above changes to meet the Compatibility Category B designation assigned to 10 CFR 34.43 (b) and (c).</p>
14	16.125(n) and LC XX (n)	34.47	1997-5	C	<p>Personnel monitoring</p> <p>NYSDH omits the requirement for that the individual's direct reading dosimeter should be worn on the "trunk of the body" found in 10 CFR 34.47(a).</p> <p>NYSDH needs to make the above changes to meet the Compatibility Category C designation assigned to 10 CFR 34.47(a).</p>
15	16.125(o) and LC XX (o)	34.49(b)	1997-5	C	<p>Radiation surveys</p> <p>NYSDH omits the phrase "when approaching the device or guide tube" in the legally binding requirements in (o)(2) after "after each exposure".</p> <p>NYSDH needs to make the above change to meet the Compatibility Category C designation assigned to 10 CFR 34.49(b).</p>
16	16.125(hh) and LC XX (hh)	34.101	1997-5	C	<p>Notifications</p> <p>NYSDH omits the equivalent requirements in 10 CFR 34.101 (c) regarding notifications to the regulator if a licensee is at a temporary jobsite for greater than 180 days.</p> <p>NYSDH needs to add the requirements for notifications to the regulator if a licensee is at a temporary jobsite for greater than 180 days to meet the Compatibility Category C designation assigned to 10 CFR 34.101.</p>

STATE REGULATION STATUS

State: New York State Health Department
 [2 amendment(s) reviewed is identified by a ★
 at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number: 10-13
 Date: May 6, 2010

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final	No Comments	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183;	01/01/1994	Final	Comments 12/24/1997	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement. (NYDEC)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement.

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1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998			
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final	No Comments 01/28/2000	NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999			

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1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement.
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML092260295 License Condition ML092260295	No Comments 09/08/2009 ML092310687 No Comments 09/08/2009 ML092310687	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000			
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
*1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Proposed ML100600746 License Condition ML100600746	Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066	NYSHD are not authorizing laybarge, underwater or offshore radiography in these regulations.
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000			
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	License Condition ML080170561	No Comments 03/20/2008 ML080800306	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001			
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
*1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Proposed ML100600746 License Condition ML100600746	Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066	NYSHD are not authorizing laybarge, underwater or offshore radiography in these regulations.
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393	10/26/2001			
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement.
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	License Condition ML092260298	No Comments 09/03/2009 ML092320011	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	License Condition ML100120053	No Comments 02/23/2010 ML100350697	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004			
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	License Condition for 32.52 (a) & (b) only ML040770455	No Comments 04/02/2004 ML040930388	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005			
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	License Condition ML080170561	No Comments 03/20/2008 ML080800306	Part 35 with respect to gamma stereotactic radiosurgery and HDR only
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML092590171	Comments 10/23/2009 ML092710056	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	License Condition ML092590174	No Comments 10/07/2009 ML092710325	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008			
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053120138	No Comments 11/10/2005 ML053180041	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009			
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Not Applicable ⁱ	Not Applicable	NYSHD responded on 02/02/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070330060
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	License Condition ML083240082	No Comments 12/11/2008 ML083390393	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010			
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010			
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	Final ML091730154	Comments 08/04/2009 ML091820407	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011			
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012			

ⁱ IMPEP Team: verify that New York does not have any licensees subject to these regulations during each review.