

Effective Date: 05/08/2013

Title: Section 16.1 - Applicability and inapplicability of this Part

GENERAL PROVISIONS

16.1 Applicability and inapplicability of this Part.

(a) Applicability. Except as otherwise provided in subdivision (b) of this section, this Part applies to any person who transfers, receives, possesses or uses any radiation source in this State.*

_____ *FOOTNOTE: The types of installations to which this Part is generally applicable are described in the definition of "radiation installation" (section 16.2(a)(98)). _____

(b) Inapplicability.

(1) This Part does not apply to any person with respect to any radiation source to the extent that such radiation source is subject to regulation as provided for by law by the State Department of Labor. This exclusion does not apply to persons with respect to radiation sources used at industrial or commercial establishments for the application of radiation to human beings.

(2) This Part does not apply to any common or contract carrier operating within this State to the extent that such carrier is subject to regulation as provided for by law by the United States Department of Transportation or other agencies of the United States or agencies of the State of New York, other than the Department of Health, having jurisdiction.

(3) The licensure requirements contained in sections 16.100 through 16.110 and sections 16.120 through 16.123 of this Part shall not apply in a county, part-county or city health district having a population of more than 2,000,000, provided that such health district has established its own substitute licensure requirements with respect to radiation sources located within such health district and transferred, received, possessed or used by persons other than the State and its institutions or other facilities and provided that such substitute licensure requirements are submitted to the State Department of Health prior to their effective date and are acceptable to the State Department of Health as consistent with the corresponding requirements of this Part.

(c) Communications. Except as otherwise provided for in this Part or authorized by the Department, all applications, notifications or other communications filed pursuant to this Part shall be addressed to the New York State Department of Health Bureau of Environmental Radiation Protection, Empire State Plaza, Albany, New York 12237, or by telephone (518) 402-7550. Registrants and licensees that are authorized pursuant to Article 28 of the Public Health Law to operate a hospital may comply with adverse event reporting required by this Part by electronic filing with the Department via the New York Patient Occurrence and Tracking System (NYPORTS).

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