



Meeting Agenda
June 24, 2024

1. Call to Order and Establishment of Quorum
2. Consideration of Minutes for Meeting of May 20, 2024
3. Report of the Executive Director
4. Rulemaking
 - A. Adoption: SGC-06-24-00004-P, Claiming Rules Revisions in Thoroughbred Racing
 - B. Adoption: SGC-15-24-00011-P Commission Address Update
5. New & Old Business
6. Adjournment

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Minutes

Meeting of 20 May 2024

A meeting of the Commission was conducted in New York and Schenectady, New York.

1. **Call to Order and Establishment of Quorum**

Executive Director Robert Williams called the meeting to order at 1:17 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Brian O'Dwyer and Members John Crotty, Sylvia Hamer, Marissa Shorenstein, and Jerry Skurnik. Member Peter Moschetti attended from the Schenectady location.

2. **Consideration of Minutes for Meeting of 25 March 2024**

The Commission considered previously circulated draft minutes of the meeting conducted on 25 March 2024. The minutes were accepted as circulated.

3. **Report of the Executive Director**

The Executive Director presented a report on the Division of the Lottery's new advertising campaign that will focus on its underlying purpose of benefitting New York education, and the preparations underway for the conduct of the Belmont Stakes Racing Festival at Saratoga Race Course.

4. **Rulemaking**

A. **ADOPTION: SGC-06-24-00002-P, Pick-Four Wagers for Thoroughbred and Harness Racing**

The Commission considered adoption of amendments to the Thoroughbred and harness pick-four wagering rules, regarding consolation pools and carryovers.

ON A MOTION BY: Commissioner Shorenstein
APPROVED: 6-0

B. ADOPTION: SGC-06-24-00003-P, Pick-Five Wager for Thoroughbred Racing

The Commission considered adoption of amendments to the Thoroughbred pick-five wagering rule to allow the option of offering a consolation payout.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 6-0

C. ADOPTION: SGC-06-24-00004-P, Claiming Rules Revisions in Thoroughbred Racing

The Commission deferred consideration of this Item, requesting specific information from the Equine Medical Director regarding historic changes to claiming rules.

D. Proposal: Amendments to the existing harness whipping rule

The Commission considered proposed amendments to existing rules regarding the use of whips in harness racing, to further define the allowable urging at any time a horse driven on the track, and to set a penalty structure for violations.

Chairman O'Dwyer made a motion to modify the proposed rule at 4117.8(h)(1), regarding penalties for kicking, to impose a suspension of 30 days for the initial offense, 90 days for a timely second offense, and revocation for a timely third offense. The Motion to amend was unanimously approved. The proposal, as amended, was then considered.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 6-0

5. New & Old Business

No New or Old Business was considered.

6. Adjournment

Before concluding, Chairman O'Dwyer discussed his experiences with the Lottery's new advertising campaign development, a recent visit to the offices of the Racetrack Chaplaincy at Belmont Park and the continuing effort to maintain an understanding of issues and concerns facing the backstretch

community, the efforts of the Agriculture & New York State Horse Breeding Development Fund, New York Thoroughbred Breeding and Development Fund, and Department of Agriculture & Markets' efforts to secure aftercare of retired racehorses and prevent horse slaughter. O'Dwyer also spoke on efforts of the Commission to develop an Internship program and about the construction progress of new housing at Belmont Park and Saratoga Race Course.

The meeting was adjourned at 1:52 p.m.

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Gaming Commission

354 Broadway, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

To: Commissioners

From: Edmund C. Burns

Date: April 9, 2024

Re: Adoption of Proposed Rulemaking for Thoroughbred Claiming Rules Amendments (9 NYCRR §§ 4038.1, 4038.3 and 4038.4)

For Commission consideration is the adoption of a proposed rule to amend Thoroughbred claiming regulations. A claiming race is a race in which the entrants are available to be purchased by certain licensed owners for a predetermined amount. Interested buyers place a claim prior to the race. If only one qualified person submits a claim for a horse, ownership of that horse is transferred following the race. If there are multiple qualified claimants for one horse, a random drawing determines which person receives ownership. In response to concerns from some horse owners and their representatives, this proposal was developed after meetings with the New York Thoroughbred racetracks and horsemen's organizations. The proposal would:

- allow claimants who have raced on a circuit within 120 days, which would increase the number of owners qualified to make claims;
- allow 30 additional days for holders of a certificate of eligibility who have lost a competition by lot for a claimed horse, providing an owner with an opportunity to claim when the owner has not been successful in claiming a horse within the first 30 days of a race meeting;
- reduces from 30 to 20 days the restriction against running a claimed horse again for a claiming price less than 25% greater than the claiming price;
- establishes a further 10-day period in which a claimed horse may start for a price equal to the claiming price; and
- extends from 30 to 60 days the prohibition against running a claimed horse outside of New York State, with an exception for horses claimed at Finger Lakes racetrack, in which case the horse may run elsewhere after 30 days from the end of a Finger Lakes racing season.

The Commission published a Notice of Proposed Rulemaking in the February 7, 2024 State Register, an excerpt of which is attached and contains the text of the proposed rule. The public comment period expired on April 8, 2024. Two comments were received. The New York Racing Association, Inc. ("NYRA"), which is the franchised corporation in New York conducting racing at Aqueduct, Belmont Park and Saratoga Race Course, expressed support for the proposal. Chris Mancusi, who says he lost many dispositions

Commissioners
April 9, 2024
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by lot of claims on the NYRA circuit and had been thereby prevented from claiming a horse at a subsequent NYRA meet, expressed support for the proposal.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Sarah Klein, Director, Division of Horse Racing and Pari-Mutuel Wagering

selection finished first in the greatest number of pick-five contests for that performance.

* * *

(4) With the written approval of the commission, the [association] track operator may contribute to the pick-four carryover a sum of money up to the amount of any designated cap.

* * *

(m) Final distribution. The track operator shall select, with the approval of the commission, a date and program during the final week of the annual assigned racing dates of the track operator, and also during the year during the final week of a meeting at a track after which such track operator will operate at another track, when there shall be a final distribution of all accumulated [carry-overs] carryovers together with the net pool of the pick-five pool conducted during such program to the holders of wagers selecting the winners of the most pick-five races contested during such program. If all pick-five races on the program designated for final distribution are cancelled and no further programs are conducted at the meeting, then no other pick-five pools shall be conducted during such week and the commission shall require that a pick-five pool be conducted on the first program of the next race meeting conducted at such track by such track operator to provide for final distribution for such prior meeting. The commission may also order a final distribution for an earlier time in the commission's discretion.

(n) Suspension of wager. The [association or corporation] track operator may suspend previously approved pick-five wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick-five wagering is reinstated. [An association or corporation] A track operator may request approval of a pick-five wager or separate wagering pool for specific performances.

* * *

(p) Other occurrences. In the event of occurrences not encompassed within the explicit provisions of this section, distribution shall be formulated on the basis of established pari-mutuel practice and in accordance with the distribution philosophy set forth in this section; provided, nevertheless, that if full distribution of the pool is made on the basis of outstanding tickets, then the method of formulation announced by the track and the basis upon which payments have been made shall be deemed conclusively correct and not subject to review.

* * *

(s) Betting information. A [racing association] track operator may display publicly information in regard to combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five pool. The operation of the totalisator equipment and reports generated thereby shall be subject to the strict supervision of the commission.

* * *

(x) Rule availability. Copies of this section shall be made available free of charge by the track operator to the public in the public betting area of the track.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2), and 104 (1) and (19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. NEEDS AND BENEFITS: This rule making proposes to amend the Commission's Thoroughbred pick-five wagering rule to enhance interest in the pick-five wager by allowing each Thoroughbred racetrack the option of offering a consolation payout. This proposal is similar to rules al-

ready in effect in other prominent jurisdictions. These jurisdictions offer choices as to what method each track chooses to use for its pick-n wagers, which mirror the Model Rules of Racing issued by The Association of Racing Commissioners International.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: None anticipated. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate Thoroughbred racing.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: Experience of agency staff.

5. LOCAL GOVERNMENT MANDATES: None. The Commission is the only governmental entity authorized to regulate Thoroughbred racing activities.

6. PAPERWORK: There will be no additional paperwork.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The alternative of not revising the pick-five wagering rule was considered and rejected. The current rule is not consistent with other prominent racing jurisdictions and the Model Rules of Racing issued by The Association of Racing Commissioners International. These changes provide racetracks more flexibility to help increase their handle.

9. FEDERAL STANDARDS: There are no minimum standards of the Federal government for this or a similar subject area.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed amendments are a revision to the Commission's Thoroughbred pick-five wagering rule to enhance interest in the pick-five wager by allowing racetracks the option of offering a consolation payout.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. No local government activities are involved.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Claiming Rules Revisions in Thoroughbred Racing

I.D. No. SGC-06-24-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4038.1, 4038.3 and 4038.4 of Title 9 NYCRR. This rule was previously proposed as a consensus rule making under I.D. No. SGC-34-23-00009-P.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Claiming rules revisions in Thoroughbred racing.

Purpose: To improve the claiming process in Thoroughbred racing.

Text of proposed rule: Sections 4038.1, 4038.3, and 4038.4 of 9 NYCRR would be amended to read as follows:

§ 4038.1. Who may make claim.

(a) Licensed and participating owners. Claims may be made by an owner licensed for the current year, or duly authorized agent, if the owner is presently registered in good faith for racing at that meeting and [has nominated a starter in the previous or current race meet of the licensed or franchised racing association, up to or including the race in which the claim is made] *the owner has started a horse:*

(1) *within the previous 120 days, including the race in which such horse started, in a race meeting of the licensed or franchised association; or*

(2) *in the current or previous race meeting of the licensed or franchised racing association.*

Such claim shall be in the name of the owner making the claim, or in the name of the entity of which the potential claimant is the managing owner.

(b) Holder of a certificate of eligibility to claim. A person who has not previously been licensed in any state as an owner, upon application for an owner's license in this State, may apply to the stewards for a certificate authorizing him or her to claim one horse during the next 30 racing days following the issuance of the certificate. The stewards may grant an extension [if deemed appropriate] of 30 racing days if the certificate holder had entered a claim but had lost the disposition by lot pursuant to section 4038.5(b) of this Part. The certificate shall be valid for claiming only at the track of the racing association at which it was issued. Such certificate shall be issued by the stewards only after the stewards have been advised by the commission that after an initial background check, and from the face of the application, the applicant appears to be qualified to be licensed and only after the applicant has designated a licensed trainer who will assume care and responsibility for the horse to be claimed.

* * *

§ 4038.3. Conditions for starting claimed horse.

If a horse is claimed the horse shall not start in a claiming race for a period of [30] 20 days from the date of the claim for less than 25 percent more than the amount for which such horse was claimed. For a period of 10 days thereafter, a horse is eligible to start for a claiming price equal to or greater than the price at which the horse had been claimed. On the 31st day, the horse may start in a claiming race for any price.

§ 4038.4. Sale, transfer restricted.

If a horse is claimed the horse shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of the claim. A claimed horse shall not, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period. A claimed horse shall not race outside New York State for a period of [30] 60 days from the date of the claim or the end of the meeting at which such horse was claimed, whichever period of time is longer, except that a horse may run:

- (a) in a sweepstakes elsewhere for which the horse was nominated by its former owner or trainer[.];
- (b) after a period of 30 days from the end of a Finger Lakes racing season, if the horse had been claimed at Finger Lakes racetrack; or
- (c) if permission is granted by the stewards.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Consensus Withdrawal Objection

The Commission received a public comment disagreeing with the proposal. The commenter stated that 30 days "was plenty" to require a claimed horse to not race outside New York State after a claim. The commenter cited the "free enterprise system" and stated that this aspect of the proposed rule would make it "more difficult for horse ownership to be cost efficient."

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104 (1) and (19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. **LEGISLATIVE OBJECTIVES:** To improve the claiming process in Thoroughbred racing.

3. **NEEDS AND BENEFITS:** The proposed rulemaking would amend Thoroughbred claiming regulations. A claiming race is a race in which the entrants are available to be purchased by certain licensed owners for a predetermined amount. Interested buyers place a claim prior to the race. If only one qualified person submits a claim for a horse, ownership of that horse is transferred following the race. If there are multiple qualified claimants for one horse, a random drawing determines which person receives ownership.

Some horse owners and their representatives have communicated to Commission staff that the claiming rules need revisions. Commission staff met with personnel of The New York Racing Association, Inc.; Finger Lakes Racing Association, Inc.; New York Thoroughbred Breeders, Inc.; New York Thoroughbred Horsemen's Association, Inc.; and the Finger

Lakes Horsemen's Benevolent and Protective Association to hear concerns and develop changes that would retain the integrity of the claiming process, while recognizing horsemen's and track issues.

NYRA conducts race meetings of varying lengths and horse populations. Consequently, the current rule, which requires an owner, in order to be eligible to claim, to have entered a starter in the previous race meeting, precludes some otherwise active owners from claiming horses. Some owners may not have participated in a previous meeting because of the meeting's short duration or because racing opportunities had been incompatible with the owner's stable of horses. The proposed rule would address these concerns by allowing claimants who have raced on a circuit within 120 days, which would increase the number of owners qualified to make claims.

Additionally, due to the frequency of multiple claims on a single horse, it is possible that someone actively trying to claim may not succeed in acquiring a horse within 30 racing days, which the current rule requires. Allowing 30 additional days for holders of a certificate of eligibility would provide an owner with an opportunity to claim when the owner has not been successful within the first 30 days of a race meeting, because the owner has lost the opportunity to claim to another claimant when multiple claims had been made on the same horse. Creating an opportunity to extend claiming eligibility for unsuccessful claimants would allow these owners additional chances to claim a horse.

Additionally, current Commission regulations provide that when a horse is claimed from a particular value class, the horses is ineligible to start in the same value class for 30 days. A review of recent data, however, indicates that horses generally run on a 28-day schedule and condition books generally schedule a value class every 28 days. Under current regulations, a claimant who wants to start a horse again in the same class may be effectively forced to wait 56 days from the date of the claim. The position has been advanced that such period is unnecessarily long and causes issues for owners, trainers and the racetrack, which seeks to fill competitive races. By reducing the requisite waiting period, owners will have a greater opportunity to start a horse for the price at which the horse had been claimed, given that the owners would be able to gain access to races that had already been written in the track's condition book 28 days in advance.

Finally, current rules prohibit a claimed horse from running outside New York for a period of 30 days. The proposal would extend that general prohibition to 60 days, which would mitigate entry shortages that have been experienced at New York tracks. An exception is proposed for horses claimed at Finger Lakes Racetrack toward the end of the Finger Lakes racing season, in which case the prohibition would be limited to 30 days from the end of the Finger Lakes racing season.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and/or continuing compliance with this rule: The anticipated cost of implementing and complying with the proposed regulations is negligible.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rules will be negligible. This rule will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating gaming activities within the State.

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** The rules are not expected to impose any significant paperwork or reporting requirements on the regulated entities.

7. **DUPLICATION:** The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The alternative of not proposing this rulemaking was considered and rejected. The proposed rulemaking addresses concerns with, and develops changes that would retain, the integrity of the claiming process, while recognizing horsemen's and track issues.

9. **FEDERAL STANDARDS:** There are no minimum standards of the Federal government for this or a similar subject area.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

This proposed rulemaking will amend the New York State Gaming Commission's Thoroughbred claiming regulations. The proposed amend-

ments will address concerns communicated to Commission staff by some horse owners and their representatives.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, rural areas or employment opportunities. No local government activities are involved.

New York State Police

INFORMATION NOTICE

AMENDMENT TO THE RULES OF THE NEW YORK STATE POLICE PURSUANT TO ARTICLE 39-BB OF THE GENERAL BUSINESS LAW OF THE STATE OF NEW YORK

Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is renamed “Licensed Firearm Dealers and Gunsmiths”; and

A new Subpart 482-1 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is established, titled “Licensed Gunsmiths Engaged in the Business of Assembling or Manufacturing Firearms”; and

The existing Sections 482.1 through 482.7 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations are renumbered as Sections 482-1.1 through 482-1.7 of Subpart 482-1 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations; and

A new Subpart 482-2 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is established, titled “Licensed Firearm Dealer and Gunsmith Business Practices”; and

Rule 23, “Licensed Firearm Dealer and Gunsmith Business Practices” of the Rules of the New York State Police, is filed with and published by the Department of State as Sections 482-2.1 through 482-2.6 of Subpart 482-2 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations, to read as follows:

PART 482

(Statutory Authority: Executive Law, section 223; *General Business Law*, sections 875-b, 875-e, 875-f, 875-g, and 875-h)

LICENSED FIREARM DEALERS AND GUNSMITHS [ENGAGED IN THE BUSINESS OF ASSEMBLING OR MANUFACTURING FIREARMS]

SUBPART 482-2

LICENSED FIREARM DEALER AND GUNSMITH BUSINESS PRACTICES

(Rule 23 of the New York State Police)

Section 482 - 2.1 Purpose and Scope. (Rule 23.1)

(a) Pursuant to Article 39-BB of the New York General Business Law, the Division of State Police is responsible for promulgating rules and regulations related to certain business practices of dealers in firearms and gunsmiths.

(b) This Subpart shall implement the provisions of sections 875-b, 875-e, 875-f, 875-g, and 875-h of the New York General Business Law.

Section 482 - 2.2 Definitions. (Rule 23.2)

As used in this Subpart (Rule 23), the following terms are defined as follows:

(a) “Dealer” means a gunsmith or dealer in firearms licensed pursuant to section 400.00 of the New York Penal Law.

(b) “Employee” means a person hired by a dealer or agent of the dealer who works for the dealer in return for compensation, financial or otherwise.

(c) “Firearm” has the same meaning as that term is defined in subdivision three of section 265.00 of the New York Penal Law.

(d) “Rifle” has the same meaning as that term is defined in subdivision eleven of section 265.00 of the New York Penal Law.

(e) “Shotgun” has the same meaning as that term is defined in subdivision twelve of section 265.00 of the New York Penal Law.

Section 482 - 2.3. Minimum Standards for Security Alarm Systems. (Rule 23.3)

Security alarm systems installed and maintained on a dealer’s business premises pursuant to the requirements of subdivision two of section 875-b of the New York General Business Law must satisfy the following minimum standards:

(a) The alarm system must be installed and maintained by a security alarm operator who is properly licensed pursuant to Article 6-D of the New York General Business Law;

(b) The alarm system must be monitored by a central station;

(c) The alarm system shall, at a minimum, monitor and provide protection at each point of entry into areas containing firearms, rifles, shotguns, and/or ammunition, including doorways and windows; and

(d) The alarm system shall provide motion detection within other areas of the premises containing firearms, rifles, shotguns, and/or ammunition, as deemed appropriate by the licensed installer.

Section 482 - 2.4 Minimum Standards for Employee Training Records. (Rule 23.4)

Records documenting the successful completion of the employee training required by section 875-e of the New York General Business Law must be maintained by dealers for at least five (5) years following the completion of such training by each employee.

Section 482 - 2.5 Minimum Standards for Firearm, Rifle, and Shotgun Transaction Records. (Rule 23.5)

Records documenting the acquisition, disposition, tracing, or other transactions involving firearms, rifles and shotguns required by subdivisions one through four of section 875-f of New York General Business Law must be maintained by dealers for at least twenty (20) years following such transaction.

Section 482 - 2.6 Compliance Program. (Rule 23.6)

(a) The annual compliance certification required by paragraph b of subdivision 1 of section 875-g of the New York General Business Law must be submitted to the Division of State Police no later than the thirty-first day of January each year.

(b) Such certification shall identify the dealer’s name, address, and telephone number; a primary contact person for such dealer; e-mail addresses for the dealer and the primary contact person; the dealer or gunsmith license number; and the county in which the dealer is licensed. The certification shall be signed by a person duly authorized to act on behalf of the dealer, and must include the following certification language:

“By signing this document I hereby certify that I am authorized to endorse and submit this certification on behalf of the dealer in firearms and/or gunsmith identified herein, and that to the best of my knowledge such dealer in firearms and/or gunsmith is in full compliance with all of the requirements contained within Article 39-BB of the New York General Business Law.”

(c) Pursuant to paragraph a of subdivision 2 of section 875-g of the New York General Business Law, every dealer is subject to periodic inspection by the Division of State Police at least once every three years to determine whether such dealer is in compliance with the requirements contained within Article 39-BB of the New York General Business Law. The Division of State Police will provide notice of at least one business day prior to conducting such inspection, which will occur during the dealer’s regular and usual business hours. Dealers will be notified by the State Police of any compliance violations discovered during such inspections.

Public Service Commission

NOTICE OF ADOPTION

Interconnection Contract

I.D. No. PSC-22-22-00014-A

Filing Date: 2024-01-18

Effective Date: 2024-01-18

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 1/18/24, the PSC adopted an order approving modifications to the Standardized Interconnection Requirements (SIR) implementing an Interconnection Contract for State agencies.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Interconnection Contract.

Purpose: To approve modifications to the SIR implementing an Interconnection Contract for State agencies.

Substance of Final Rule: The Commission, on January 18, 2024, adopted an order approving modifications to the Standardized Interconnection Requirements (SIR) implementing an Interconnection Contract for State agencies. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc.,



Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

To: Commissioners

From: Edmund C. Burns

Date: June 12, 2024

Re: Adoption of Consensus Proposed Rulemaking for Commission address (9 NYCRR §§ 4011.29, 4043.12, 4045.1, 4081.1, 4116.4, 4122.49, 4217.16, 4627.8, 4831.8, 5000.4, 5000.8, 5014.17, 5400.1, 5401.1 and 5401.3)

Because the Gaming Commission's principal office has moved within Schenectady, the Commission proposed a consensus rulemaking to update the Commission's address in various rules. An unnecessary subdivision in the Division of Lottery rules is also proposed to be eliminated.

The Commission published a Notice of Proposed Rulemaking in the April 10, 2024 State Register, an excerpt of which is attached, containing the proposed rule text. The public comment period expired on June 10, 2024. No comments were received.

[REDACTED]

attachment

cc: Robert Williams, Executive Director

(b) *The Responsible Party's inability to retrieve, change or reset its password;*

(c) *Any technical failure that is reported after the filing deadline; or*

(d) *A Filing that has been saved in the Commission's Lobbying Application but has not been submitted.*

(g) *Late Fees and Penalties.*

(1) *Failure to file a Statement of Registration, Registration Amendment, Bi-Monthly Report, Client Semi-Annual Report, or Disbursement of Public Monies Report in a timely manner, as required by this Title, may also subject the Lobbyist or Client to civil penalties as prescribed in section 1- o(b)(i) of the Lobbying Act.*

(2) *Any outstanding late filing fees owed to the Commission by a Lobbyist or Client totaling \$500 or more may be referred to the Attorney General's Office for collection.*

Text of proposed rule and any required statements and analyses may be obtained from: Megan Mutolo, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: megan.mutolo@ethics.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. **Statutory Authority:** Executive Law § 94(1)(a) provides the Commission on Ethics and Lobbying in Government ("Commission") with the responsibility to administer, enforce and interpret New York State's ethics and lobbying laws. Subsection 94(5)(a)(i) authorizes the Commission to adopt, amend and rescind any rules and regulations pertaining to the statutes within its jurisdiction. Legislative Law Article 1-A Sections 1-e, 1-h, 1-j and 1-l authorizes the Commission to impose a fee for the late filing of a Statement of Registration, Registration Amendment, Bi-Monthly Report, Client Semi-Annual Report, and Disbursement of Public Monies Report.

2. **Legislative Objectives:** Ethics Commission Reform Act of 2022 ("ECRA") established the Commission on Ethics and Lobbying in Government as the agency responsible for administering, enforcing and interpreting New York State's ethics and lobbying laws, including the Commission's ability to impose late fee fees pursuant to Legislative Law Article 1-A Sections 1-e, 1-h, 1-j and 1-l.

3. **Needs and Benefits:** This Proposed Rule amends 19 NYCRR Part 943 to codify the Commission's late fee program and establish criteria and requirements for requesting a waiver for a late filing fee.

4. **Costs:**

a. **Costs to regulated parties for implementation and compliance:** Minimal.

b. **Costs to the agency, State and local governments for the implementation and continuation of the rule:** No costs to such entities.

c. **Cost information is based on the fact that there will be minimal costs to regulated parties and state and local government for training staff on changes to the requirements.** The cost to the agency is based on the estimated slight increase in staff resources to implement the regulations.

5. **Local Government Mandates:** The Proposed Rule does not impose new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. **Paperwork:** This regulation requires the preparation and submission of an affidavit to accompany a late fee waiver application. This additional paperwork is expected to be minimal and is only required when a filer is seeking the waiver of a late filing fee.

7. **Duplication:** This regulation does not duplicate any existing federal, state or local regulations.

8. **Alternatives:** There are no alternatives to amending the Commission's regulation.

9. **Federal Standards:** This regulation does not exceed any minimum standards of the federal government with regard to a similar subject area.

10. **Compliance Schedule:** The Proposed Rulemaking will take effect upon January 1st, 2025.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Proposed Rulemaking because the rulemaking will not impose any adverse economic impact on small businesses or local governments, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of these entities for compliance purposes. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Proposed Rulemaking because the rulemaking will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of rural areas. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Job Impact Statement

A Job Impact Statement is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will have limited, if any, impact on jobs or employment opportunities. This regulation implements current law and, therefore, imposes no new requirements. This regulation does not relate to job or employment opportunities.

New York State Gaming Commission

NOTICE OF ADOPTION

Lottery Prize Payments and Subscriptions

I.D. No. SGC-52-23-00014-A

Filing No. 264

Filing Date: 2024-03-26

Effective Date: 2024-04-10

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 5000.2, 5002.1, 5002.3, 5002.4, 5002.5, 5002.7, 5002.10, 5002.11, 5002.13, 5004.5, 5005.1, 5005.2, 5005.3, 5005.4, 5005.5, 5005.6, 5005.7, 5005.8, 5007.2, 5007.5, 5007.15, 5007.16, 5008.2, 5008.11, 5013.3, 5014.3, 5014.14; addition of sections 5005.9 and 5005.10 to Title 9 NYCRR.

Statutory authority: Tax Law, sections 1601, 1604; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Lottery prize payments and subscriptions.

Purpose: To create uniformity in payment processing, limit subscriptions to individuals, and codify existing practices.

Text or summary was published in the December 27, 2023 issue of the Register, I.D. No. SGC-52-23-00014-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 354 Broadway, Schenectady, New York 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Change of Commission Address

I.D. No. SGC-15-24-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend sections 4011.29, 4043.12, 4045.1, 4081.1, 4116.4, 4122.49, 4217.16, 4627.8, 4831.8, 5000.4, 5000.8, 5014.17, 5400.1, 5401.1 and 5401.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Change of Commission address.

Purpose: To update the Commission’s address in various rules.

Text of proposed rule: Sections 4011.29, 4043.12, 4045.1, 4081.1, 4116.4, 4122.49, 4217.16, 4627.8, 4831.8, 5000.4, 5000.8, 5014.17, 5400.1, 5401.1 and 5401.3 of 9 NYCRR would be amended to read as follows:

§ 4011.29. Additional authorized wagers.

In addition to the types of wagers authorized by this Part, an association or corporation may, with the prior permission of the commission, offer any type of pari-mutuel wagering as defined by chapter 9, Pari-Mutuel Wagering, Uniform Rules of Racing, as adopted and published in December 1996 by the Association of Racing Commissioners International, Inc., 1510 Newtown Pike, Suite 210, Lexington, KY 40511. Such Uniform Rules of Racing are available for public inspection at the New York State Gaming Commission located at [One] 354 Broadway [Center, Suite 600], Schenectady, NY 12305 and at the Department of State, 99 Washington [Street] Avenue, Albany, NY 12231.

§ 4043.12. Prohibited substances and methods.

(a) The substances and methods listed in the ARCI prohibited list are prohibited, may not be used at any place or time and may not be possessed on the premises of any racing or training facility under the jurisdiction of the commission except as a restricted therapeutic use. ARCI prohibited list means the “Prohibited List” annexed to Model Rule ARCI-011-015 Version 7.0 (approved December 9, 2016) of the Association of Racing Commissioners International, Inc., 1510 Newtown Pike, Suite 210, Lexington, KY 40511, which is hereby incorporated by reference. Such Uniform Rules of Racing are available for public inspection at the New York State Gaming Commission located at [One] 354 Broadway [Center, Suite 600], Schenectady, NY 12305 and at the Department of State, 99 Washington [Street] Avenue, Albany, NY 12231.

§ 4045.1. Definitions.

The following terms, when used in this Part, have the following meanings:

(a) ARCI Penalty Guidelines means the uniform classification guidelines published in “Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule,” Version 13.0 (approved December 9, 2016) of the Association of Racing Commissioners International, Inc., 1510 Newtown Pike, Suite 210, Lexington, KY 40511, which are hereby incorporated by reference. Such Uniform Rules of Racing are available for public inspection at the New York State Gaming Commission, [One] 354 Broadway [Center, Suite 600], Schenectady, NY 12305 and at the Department of State, 99 Washington [Street] Avenue, Albany, NY 12231.

§ 4081.1. Definitions.

(b) Inquiries. Questions regarding these rules and regulations, procedures, application forms or other similar matters may be directed to the executive director of the fund at the fund offices, [One] 354 Broadway [Center, 1st floor], Schenectady, [New York] NY 12305. Telephone (518) 388-0174.

§ 4116.4. Safety helmets.

No one will be permitted to jog, train, warm up, or drive a horse at any time on the premises of a harness race track unless such person is properly wearing a protective safety helmet approved by either the Snell Memorial Foundation or the United States Department of Transportation. The United States Department of Transportation standards are reprinted in title 49 of the Code of Federal Regulations, chapter 5, section 571.218 (49 CFR, 571.218). The Snell Memorial Foundation standards are contained in the publication entitled, Snell Memorial 2000 Standard For Protective Gear, available from the Snell Memorial Foundation, 3628 Madison Avenue, Suite 11, North Highlands, CA 95660 or at www.smf.org/stds. Both standards are on file in the office of the commission, located at [One] 354 Broadway [Center], Schenectady, NY [12305-2553] 12305.

§ 4122.49. Additional authorized wagers.

In addition to the types of wagers authorized by this Part, an association or corporation may, with the prior permission of the commission, offer any type of pari-mutuel wagering as defined by chapter 9, Pari-Mutuel Wagering, Uniform Rules of Racing, as adopted and published in December, 1996 by the Association of Racing Commissioners International at 2343 Alexandria Drive, Suite 200, Lexington, KY 40504-3276. This is available for public inspection at the New York State Gaming Commission located at [One] 354 Broadway [Center], Schenectady, NY [12305-2553] 12305 and at the Department of State, 99 Washington Avenue, Albany, NY 12231.

§ 4217.16. Additional authorized wagers.

In addition to the types of wagers authorized by this part, an association or corporation may, with the prior permission of the board, offer any type of pari-mutuel wagering as defined by Chapter 9, Pari-Mutuel Wagering, Uniform Rules of Racing, as adopted and published in December, 1996, by the Association of Racing Commissioners, International at 2343 Alexandria Drive, Suite 200, Lexington, Kentucky 40504-3276. This is available for public inspection at the New York State [Racing and Wagering Board] Gaming Commission located at [#1 Empire State Plaza, Suite 1201,

Albany, New York 12223 or 1 Penn Plaza, 7th Floor, New York, New York 10119, both addresses] 354 Broadway, Schenectady, NY 12305, and at the Department of State, [41 State Street] 99 Washington Avenue, Albany, New York 12231.

§ 4627.8. How papers may be filed.

Filing of the foregoing papers with the commission at the commission’s office [in] at 354 Broadway, Schenectady, NY 12305, [or in New York City.] may be either by personal service or by certified mail, return receipt requested.

§ 4831.8. How papers may be filed.

Filing of the foregoing papers with the [New York State Gaming Commission] commission at the commission’s office at 354[. One] Broadway [Center], Schenectady, NY 12305, may be either by personal service or by certified mail.

§ 5000.4. Name, official seal and offices.

[(c) The principal office of the commission shall be located at: One Broadway Center, Schenectady, New York 12305. The commission may also operate such other offices and facilities as the commission may deem appropriate to fulfill the responsibilities of the commission under the Acts.]

§ 5000.8. Declaratory rulings.

(b) A petition for a declaratory ruling must be submitted in writing to the commission by certified mail, return receipt requested, addressed to New York State Gaming Commission, [One] 354 Broadway [Center], Schenectady, NY 12305. The returned postal service receipt shall constitute proof of service, which shall be deemed effective on the day the petition is received. The petition shall state that a declaratory ruling is requested, cite the statute, rule, or regulation relied upon, and set forth a complete and precise statement of the state of facts, persons or property with respect to which a ruling is sought, together with a full disclosure of the petitioner’s interest. Any facts alleged in the petition shall be verified under oath by the petitioner.

§ 5014.17. Advertising and marketing.

(e) Advertising restrictions.

(4) Advertisements shall comply with the advertising guidelines issued by the North American Association of State and Provincial Lotteries (approved March 19, 1999), 7757 Auburn Rd. Unit #7, Concord, OH 44077, which is hereby incorporated by reference. Such advertising guidelines are available for public inspection at the [New York State Gaming Commission] commission’s office located at [One] 354 Broadway [Center, Suite 500], Schenectady, NY 12305, and at the Department of State, 99 Washington Avenue, Albany, NY [12210] 12231.

§ 5400.1. Public inspection of records.

In accordance with article 6 of the Public Officers Law, the Freedom of Information Law, the following procedures are prescribed for making available to the public for inspection and copying all of the records and materials mandated by such law for such purposes.

(a) Application shall be made on printed forms prescribed by the commission and submitted either personally or by mail to the New York State Gaming Commission, [One] 354 Broadway [Center], Schenectady, NY 12305, Attention: Records Access Officer.

§ 5401.1. Access to personal information.

In accordance with article 6-A of the Public Officers Law, the Personal Privacy Protection Law, the following procedures are prescribed by which members of the public may assert rights granted by the Personal Privacy Protection Law:

(a) Applications shall be made on printed forms prescribed by the board and submitted either personally or by mail to the New York State Gaming Commission, [One] 354 Broadway [Center], Schenectady, NY 12305, Attention: Privacy Compliance Officer.

(c) Records shall be made available at the main office of the commission, which is located at [One] 354 Broadway [Center], Schenectady, NY 12305.

§ 5401.3. Amendment of records.

(d) Any such denial may be appealed to:

Privacy Compliance Law Appeals Officer
c/o Counsel
New York State Gaming Commission
[One] 354 Broadway [Center]
Schenectady, NY 12305

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 354 Broadway, Schenectady, New York 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

This proposed rulemaking will update the Commission’s address in various rules. Because the Gaming Commission’s principal office has moved

within Schenectady, changes to certain rules are necessary. Additionally, an unnecessary subdivision in the Division of Lottery rules is also proposed to be eliminated. Because this rulemaking simply updates the Commission's address in various rules, the Commission does not anticipate public comment and no person is likely to object to the proposed revisions.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because the proposed amendments will not adversely affect jobs or employment opportunities.

This proposed rulemaking will update the New York State Gaming Commission's address in various rules. Additionally, an unnecessary subdivision in the Division of Lottery rules is also proposed to be eliminated.

The proposed amendments will not have an impact on jobs or employment opportunities.

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Ionizing Radiation

I.D. No. HLT-15-24-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 16; addition of new Part 16 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Ionizing Radiation.

Purpose: Compatibility with federal standards and modernization to reflect current technology.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): The regulatory proposal would repeal and replace all sections within Part 16 of Title 10 of the New York Codes, Rules and Regulations (NYCRR), as described in more detail below:

Section 16.1 is updated to correct references to other agencies and persons exempted under Title 10 of the Code of Federal Regulations (CFR) Part 30.

Section 16.2 is updated to include numerous new definitions used in 10 CFR Part 30, as well as other definitions related to new technologies, updated units and clarification of terms.

Section 16.4 updates appendix references, including changing the reference from 10 NYCRR Part 16 to application sections within 10 CFR Part 30.

Section 16.5 updates responsibilities for radiation safety to include acceptance testing and annual program review requirements.

Section 16.6 makes updates to the requirements for evaluating prior occupational doses and removes provisions on planned special exposures. The term "eye dose" is replaced by "lens dose."

Section 16.7 updates dose limits for members of the public to reflect current Title 10 CFR references and outdated language is removed or updated.

Section 16.10 is amended to update inspection schedules, add Certified Radiation Equipment Safety Officer (CRESO) program requirements, and update requirements for surveys and testing of sealed sources.

Section 16.11 is updated to reflect changes in terminology for personnel monitoring and to clarify dose limits.

Sections 16.12, 16.13 and 16.15 are all updated to reflect 10 CFR Part 30 references instead of references to 10 NYCRR Part 16, as well as to clarify the actual language and phrasing used within these sections.

Section 16.14 is updated to require recording of high patient doses from fluoroscopy and notification of referring physician and instructions to patient.

Sections 16.16 and 16.17 are updated for compatibility with 10 CFR Part 30 requirements.

Section 16.19, concerning limitations on application of radiation to humans, is updated to reflect changes in the use of radioactive materials especially therapeutic sources.

Section 16.22 is updated to remove the requirement for mammography screening programs to teach breast self-examination.

Section 16.23 is updated to require quality assurance (QA) programs for advanced modality dental and podiatry, to require radiation safety policies regarding patient fluoroscopy doses and neonatal imaging, to update specifications for modern imaging modalities, and to update breast imaging QA requirements.

Section 16.24 is updated to reflect updates to QA requirements and verification of radiation therapy treatments.

Section 16.26 is updated to incorporate by reference the current federal regulation from the U.S. Nuclear Regulatory Commission (NRC).

Sections 16.40 and 16.41 are updated to reflect new fee schedules and to incorporate NYS Department of Labor (DOL) fee categories.

Section 16.50 is updated to correctly reference the New York City Department of Health and Mental Hygiene (NYC DOHMH), change registration periods to allow more flexibility, and include commercial requirements previously listed within DOL regulations.

Section 16.51 is updated to include several items in the prohibited uses of radiation equipment, and half-value layer tables were updated to be current with federal manufacturing requirements (21 CFR Part 1020) for equipment listed in sections 16.52 through 16.70 of Title 10 of the NYCRR.

Sections 16.52, 16.54 and 16.55 are updated to include specifications for hand-held units and Cone Beam Computed Tomography (CBCT) as well as updates to filtration requirements. Requirements for gonadal shielding have also been removed.

Section 16.53 is updated to include changes for handheld intra-oral radiographic equipment.

Section 16.58 is updated to include new specifications for display of air kerma and minimum source to skin distance, to be consistent with federal manufacturing requirements (21 CFR Part 1020).

Sections 16.60 and 16.61 are updated to reflect current technologies and therapy equipment operated at potentials over and below 60 kV.

Section 16.65 is a new section regarding CBCT quality assurance, physicist testing, and accreditation requirements.

Section 16.101, concerning licensure, is updated to incorporate references to the CFR. Although no additional requirements are being added, elements of 10 CFR Part 31 and the Appendices to Part 16 are now included herein.

Section 16.102 is updated to add a paragraph on authorizing the Department to inspect a facility prior to the issuance of a license and adds a paragraph requiring an emergency plan for licensees that possess large amounts of dispersible radioactive material. This was previously codified in DOL regulations under 12 NYCRR Part 38. This section also adds conditions for consortiums to share accelerator produced isotopes.

Section 16.103, concerning licensing requirements for radioactive materials, incorporates by reference various provisions within 10 CFR Parts 30, 40, and 70 for licensing requirements. Currently these requirements are only incorporated into license conditions but not NYS regulations.

Section 16.104 adds requirements on portable gauge security, consortiums, and breakthrough limits for generators.

Section 16.109 adds reciprocity agreement provisions with other Agreement States, which were previously codified in DOL regulations within 12 NYCRR Part 38. This new section will also allow a licensee to pay a fee to work in New York for up to 180 days each year, instead of only allowing licensees to work 30 days each year but at no charge.

Section 16.112 is updated to add requirements for increased security for certain amounts of radioactive material, as required by 10 CFR Part 37.

Sections 16.113 and 16.114 add requirements for decommissioning and financial assurance.

Section 16.123 updates medical use requirements for specific licenses for certain medical uses of byproduct materials, to be compatible with Federal regulations.

Section 16.124 is a new section that adds manufacturing requirements for licenses to manufacture or transfer certain items containing radioactive material.

Section 16.125 is a new section that adds additional requirements for the manufacture, preparation or transfer for commercial distribution of medical drugs containing radioactive material.

Section 16.126 adds a new requirement for sealed source and device registration.

Section 16.127 adds a new section governing licenses for industrial radiography as well as radiation safety requirements for industrial radiographic operations.

Section 16.128 adds a new section for well logging.

Section 16.129 adds a new section for panoramic irradiators.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceraolo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.