



# THE CITY RECORD

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## THE CITY RECORD

**MICHAEL R. BLOOMBERG, Mayor**

**EDNA WELLS HANDY**, Commissioner, Department of Citywide Administrative Services.  
**ELI BLACHMAN**, Editor of The City Record.

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- I. Approval of Minutes of Borough Board Meetings held on January 8, 2013 and February 5, 2013.
- II. Presentation by the Department of Education on the updated Core Curriculum.
- III. Presentation and vote on business terms for the disposition of real property at 307 Rutledge Street, Block: 2221, Lot: 47, between the New York City Economic Development Corporation and Goldex Limited, a New York State Corporation, for the development of Commercial and Community Facility space.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kai Feder at (718) 802-3642 at least five business days before the day of the hearing.

a16-23

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOARD MEETINGS

#### NOTICE OF MEETINGS

##### City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

##### City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

##### Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

##### Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/ccrb/html/meeting.html> for additional information and scheduling changes.

##### Design Commission

Meets at 253 Broadway, 5th Floor, New York, New York 10007. For meeting schedule, please visit [nyc.gov/designcommission](http://nyc.gov/designcommission) or call (212) 788-3071.

##### Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

##### Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

##### Environmental Control Board

Meets at 40 Rector Street, OATH Lecture Room, 18th Floor, New York, NY 10006 at 9:15 A.M., once a month at the call of the Chairman.

##### Board of Health

Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

##### Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

##### Board of Higher Education

Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

##### Citywide Administrative Services

Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

##### Commission on Human Rights

Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

##### In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

##### Franchise And Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, commencing 2:30 P.M.,

and other days, times and location as warranted.

##### Real Property Acquisition And Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

##### Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise notified by the Commission. For current meeting dates, times and agendas, please visit our website at [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks).

##### Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

##### Housing Authority

Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at [nyc.gov/nycha](http://nyc.gov/nycha) or contact the Office of the Secretary at (212) 306-6088. Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Disposition are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.

These meetings are open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first. Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five business days before the Board Meeting. For additional information, please visit NYCHA's Website or contact (212) 306-6088.

##### Parole Commission

Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

##### Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

##### Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

##### Tax Commission

Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

### BROOKLYN BOROUGH PRESIDENT

#### MEETING

NOTICE IS HEREBY GIVEN that Brooklyn Borough President Marty Markowitz will hold a meeting of the Brooklyn Borough Board in the Courtroom, Second Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 12:00 P.M. on Tuesday, April 23, 2013.

### QUEENS BOROUGH PRESIDENT

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, April 25, 2013** at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**CD03 - BSA #718-68 BZ** - IN THE MATTER of an application submitted by Sheldon Lobel P.C., on behalf of Zinc Realty, LLC, pursuant to Section 73-11 and 73-211 of the New York City Zoning Resolution, seeking to amend a previously granted special permit (SOC) that allows the operation of an existing automotive service station to permit the addition of two (2) fuel dispensing islands and the conversion of the existing service bays to an accessory convenience store in an R5/C2-2 zoning district located at **71-08 Northern Boulevard**, Block 1244, Lot 01, Zoning Map 9d, Jackson Heights, Borough of Queens.

**CD03 - BSA #27-05 BZ** - IN THE MATTER of an application submitted by Sheldon Lobel P.C. on behalf of Cumberland Farms, Inc., pursuant to Section 11-411 & 11-412 of the Zoning Resolution, for waiver of rules and procedures and extension of term for a period of ten (10) years for an existing gasoline station in a C2-4/R6 district located at **91-11 Roosevelt Avenue**, Block 1479, Lot 3, Zoning Map 9d, Jackson Heights, Borough of Queens.

**CD07 - BSA #347-12 BZ** - IN THE MATTER of an application submitted by the Law Office of Vincent L. Petraro, PLLC and the Law Office of Mitchell S. Ross on behalf of X&Y Development Group, pursuant to Section 72-01 of the NYC Zoning Resolution for a variance to permit transient hotel (UG5) and a special permit to allow projection into flight obstruction area of LaGuardia Airport, at **42-31 Union Street**, located in an R7-1/C1-2 district, Zoning Maps 10B, Flushing, Borough of Queens.

**CD02 - BSA #63-13BZ** - IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of Cel-Net Holdings Corporation, pursuant to Sections 42-10 and 73-36 of the NYC Zoning Resolution, for a Special Permit to allow operation of a physical culture establishment in an M1-4/R7A district located at **11-11 44th Drive**, Block 447, Lot 13, Zoning Map 9b, Long Island City, Borough of Queens.

a19-25

### CITY PLANNING COMMISSION

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission

**Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, April 24, 2013 at 10:00 A.M.**

**BOROUGH OF THE BRONX  
No. 1  
BRONX DA STORAGE FACILITY**

**CD 4 C 130131 PCX**  
**IN THE MATTER OF** an application submitted by the Bronx County District Attorney's Office and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 260 East 161 Street (Block 2443, part of Lot 100), for use as a storage facility.

**BOROUGH OF QUEENS  
No. 2  
QUEENS WEST PARK ADDITION**

**CD 2 C 110253 MMQ**  
**IN THE MATTER OF** an application submitted by the Queens West Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 46th Road and 47th Avenue between East River Road and Center Boulevard; a portion of 46th Avenue and 47th Road between East River Road and Center Boulevard; and East River Road north of 47th Road;
- the establishment of a park addition northwest of 47th Road and Center Boulevard;
- the extinguishment of a pedestrian access easement;
- the delineation of sewer easements; and
- the adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5016 dated July 23, 2012 and signed by the Borough President.

**No. 3  
BEACH 12TH STREET DEMAPPING**

**CD 14 C 120209 MMQ**  
**IN THE MATTER OF** an application submitted by Bnos Bais Yaakov of Far Rockaway pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Beach 12th Street between Caffrey Avenue and Frisco Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5017 dated October 22, 2012 and signed by the Borough President.

**No. 4  
DISPOSITION OF PROPERTY**

**CD 2 C130159 PPQ**  
**IN THE MATTER OF** an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of four (4) city-owned properties located on Block 276, Lot 46, Block 2545, Lot 54, Block 2573, Lot 124 and Block 2575, Lot 244, pursuant to zoning.

**No. 5  
BELLERROSE-FLORAL PARK-GLEN OAKS REZONING  
CD 13 C 130188 ZMQ**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 11b,11d, 15a, and 15c:

1. eliminating from an existing R2 District a C1-2 District bounded by:
  - a. a line 150 feet northwesterly of Hillside Avenue, Little Neck Parkway, a line 150 feet southeasterly of Hillside Avenue, 249th Street, Hillside Avenue, and 253rd Street;
  - b. 77th Road, a boundary line of the City of New York, a line 80 feet southeasterly of 77th Road and its northeasterly prolongation, a line 300 feet northeasterly of 21st Street, a line midway between 77th Road and Union Turnpike, and 271st Street;
  - c. a line perpendicular to the northeasterly street line of 271st Street distant 175 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 271st Street and the southeasterly street line of Union Turnpike, and Langdale Street; and
  - d. a line perpendicular to the easterly street line of Langdale Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Langdale Street and the southeasterly street line of Union Turnpike, a boundary line of the City of New York, a line 240 feet northerly of 78th Avenue, and Langdale Street;
2. eliminating from an existing R4 District a C1-2 District bounded a line 100 feet northeasterly of Braddock Avenue, 239th Street, Braddock Avenue, 92nd Road, Gettysburg Street, 92nd Avenue, 224th Street, Braddock Avenue, and Moline Street;
3. eliminating from within an existing R2 District a

C2-2 District bounded by:

- a. a line 150 feet northwesterly of Hillside Avenue, 261st Street, a line 150 feet southeasterly of Hillside Avenue, 258th Street, Hillside Avenue, a line 100 feet southwesterly of 256th Street, a line 100 feet southeasterly of Hillside Avenue, and Little Neck Parkway; and
  - b. a line 150 feet northwesterly of Hillside Avenue, a boundary line of the City of New York, and 267th Street;
4. eliminating from within an existing R3-2 District a C2-2 District bounded by:
    - a. a line 100 feet northwesterly of Jamaica Avenue, 243rd Street, Jamaica Avenue, and 240th Street; and
    - b. a line 150 feet northwesterly of Union Turnpike, Little Neck Parkway, a line perpendicular to southwesterly street line of Little Neck Parkway distant 135 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Little Neck Parkway and the northwesterly street line of Union Turnpike, a line midway between Little Neck Parkway and 252nd Street, a line perpendicular to the northeasterly street line of 252nd Street distant 110 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 252nd Street and the northwesterly street line of Union Turnpike, and 252nd Street;
  5. eliminating from within an existing R4 District a C2-2 District bounded by:
    - a. a line 100 feet northeasterly of Braddock Avenue, a line 100 feet southeasterly of 241st Street, Braddock Avenue, and 239th Street; and
    - b. a line 150 feet northerly of Jamaica Avenue, 91st Avenue, a line 100 feet northwesterly of Jamaica Avenue, Commonwealth Boulevard, a line 100 feet northwesterly of Jamaica Avenue, 249th Street, Jamaica Avenue, Braddock Avenue, and Cross Island Parkway;
  6. changing from an R2 District to an R1-2A District property bounded by:
    - a. 267th Street and its northwesterly centerline prolongation, 73rd Avenue, the northeasterly prolongation of a southeasterly street line of 260th Place, a line 45 degrees to the centerline of 72nd Road and passing through the point of intersection of the centerline of 72nd Road and the southeasterly centerline prolongation of 266th Street, 72nd Road, the southeasterly street line of 260th Place and its northeasterly and southwesterly prolongations, Little Neck Parkway, and Grand Central Parkway; and
    - b. a line 100 feet southeasterly of Union Turnpike, 233rd Street, Seward Avenue, 235th Street, a line 100 feet southeasterly of Seward Avenue, the southeasterly centerline prolongation of 236th Street, Winchester Boulevard, a line 100 feet northerly of Hillside Avenue, 232nd Street, a line 100 feet northwesterly of Seward Avenue, and a line midway between 232nd Street and 233rd Street;
  7. changing from an R3-2 District to an R1-2A District property bounded by 72nd Road, a line 45 degrees to the centerline of 72nd Road and passing through the point of intersection of the centerline of 72nd Road and the southeasterly centerline prolongation of 266th Street, and the northeasterly prolongation of a southeasterly street line of 260th Place;
  8. changing from an R4 District to an R2 District property bounded by Braddock Avenue, a line 215 feet northwesterly of 90th Avenue and its northeasterly prolongation, and 221st Place;
  9. changing from an R2 District to an R2A District property bounded by:
    - a. Stronghurst Avenue, Union Turnpike, Winchester Boulevard, the southeasterly centerline prolongation of 236th Street, a line 100 feet southeasterly of Seward Avenue, 235th Street, Seward Avenue, 233rd Street, a line 100 feet southeasterly of Union Turnpike, a line midway between 233rd Street and 232nd Street, a line 100 feet northwesterly of Seward Avenue, 232nd Street, Seward Avenue, and 229th Street; and
    - b. Union Turnpike, 248th Street, a line 150 feet southeasterly of Union Turnpike, 249th Street, Union Turnpike, 252nd Street, 80th Avenue, 254th Street, Union Turnpike, 263rd Street, 76th Avenue, a

boundary line of the City of New York, 81st Avenue, 268th Street, 83rd Avenue, a boundary line of the City of New York, a line perpendicular the easterly street line of Langdale Street distant 285 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Langdale Street and the northwesterly street line of Hillside Avenue, Langdale Street, a line 100 feet northwesterly of Hillside Avenue, 263rd Street, Hillside Avenue, 262nd Street, a line 100 feet northwesterly of Hillside Avenue, 255th Street, a line 120 feet northwesterly of Hillside Avenue, a line midway between 255th Street and Little Neck Parkway, a line 110 feet northwesterly of Hillside Avenue, Little Neck Parkway, a line 100 feet northwesterly of Hillside Avenue, 253rd Street, Hillside Avenue, 249th Street, a line 100 feet southeasterly of Hillside Avenue, 260th Street, a line 150 feet southeasterly of Hillside Avenue, a line midway between 260th Street and 261st Street, a line 100 feet southeasterly of Hillside Avenue, 267th Street, a boundary line of the City of New York, a line 100 feet northwesterly of Jamaica Avenue, Little Neck Parkway, 87th Drive, Commonwealth Boulevard, 87th Avenue, the easterly service road of the Cross Island Parkway, Hillside Avenue, the westerly street line of 240th Street and its southerly and northerly prolongations, a line 220 feet northwesterly of 83rd Avenue, a line 150 feet southwesterly of 242nd Street, the southwesterly centerline prolongation of 82nd Avenue, a line 170 feet southwesterly of 242nd Street, a line 436 feet northwesterly of 82nd Avenue and its southwesterly prolongation, a line 90 feet southwesterly of 242nd Street and its northeasterly prolongation (at the straight line portion), a line 43 feet southeasterly of Union Turnpike, and the southwesterly service road of the Cross Island Parkway;

10. changing from an R3A District to an R2A District property bounded by 86th Avenue, a line 100 feet westerly of Cross Island Parkway, 86th Road, a line 240 feet westerly of Cross Island Parkway, 87th Avenue, the easterly service road of Cross Island Parkway, a line 100 feet northeasterly of 88th Road, 247th Street and its northeasterly centerline prolongation, the northerly street line of 88th Avenue and its southeasterly prolongation, Commonwealth Boulevard, 87th Drive, Little Neck Parkway, the centerline of the Long Island Rail Road Right-of-Way, 249th Street, 88th Road, a line midway between 251st Street and 250th Street, a line 100 feet northwesterly of Jamaica Avenue, Commonwealth Boulevard, a line midway between 89th Avenue and 88th Drive, 247th Street, 90th Avenue, a line 430 feet southeasterly of 247th Street, a line 100 feet northwesterly of Jamaica Avenue, 91st Avenue, 242nd Street, a line 100 feet northerly and northeasterly of Braddock Avenue, a line midway between 239th Street and 238th Street, 88th Avenue, Gettysburg Street, 87th Avenue, 239th Street, a line 100 feet southerly of 86th Avenue, and a line 100 feet easterly of 239th Street;
11. changing from an R3-1 District to an R2A District property bounded a line 100 feet southerly of Hillside Avenue, Winchester Boulevard, a line perpendicular to the northwesterly street line of Winchester Boulevard distant 215 feet northeasterly (as measured along the street line) from the point of intersection of northeasterly street line of 233rd Street and the northwesterly street line of Winchester Boulevard, and a line midway between 233rd Street and Winchester Boulevard;
12. changing from an R3-2 District to an R2A District property bounded by:
  - a. a line 100 feet southwesterly of Hillside Avenue, a line midway between Range Street and Musket Street, 87th Avenue, the southerly centerline prolongation of Range Street, 88th Avenue, and Winchester Boulevard; and
  - b. 92nd Avenue, Gettysburg Street, 92nd Road, a line 100 feet northeasterly of Gettysburg Street, a line midway between Davenport Avenue and 92nd Road, the southwesterly boundary line of Jack Breininger Park, a line midway between Fairbury Avenue and Edmore Avenue a line 100 feet northeasterly of Gettysburg Street, a line midway between Fairbury Avenue and 93rd Avenue, a line 365 feet southwesterly of 240th Street, 93rd Avenue, a line 100 feet southwesterly of 239th Street, 93rd Road, a line 100 feet southwesterly of 224th Street, Edmore Avenue, 224th Street, 92nd Road, and a line 100 feet southwesterly of 224th Street;
13. changing from an R4 District to an R2A District property bounded by:
  - a. 87th Avenue, a line perpendicular to the

- northerly street line of 88th Avenue distant 665 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 88th Avenue and the southeasterly street line of Winchester Boulevard, 88th Avenue, and the southerly centerline prolongation of Range Street;
- b. a line 80 feet northwesterly of 92nd Avenue, a line 180 feet northeasterly of 224th Street, 92nd Avenue, 224th Street; and
- c. 91st Avenue, a line 80 feet northwesterly of Jamaica Avenue, 245th Street, a line 150 feet northerly of Jamaica Avenue, and Cross Island Parkway; and
14. changing from an R4-1 District to an R2A District property bounded by:
- a. a line midway between 88th Drive and 89th Avenue, a line 100 feet easterly of 247th Street, a line midway between 89th Avenue and 90th Avenue, a line 270 feet easterly of easterly of 247th Street, 90th Avenue, and 247th Street; and
- b. a line midway between 88th Drive and 89th Avenue, Commonwealth Boulevard, a line midway between 89th Avenue and 90th Avenue and its easterly prolongation, a line 400 feet easterly of 247th Street, 89th Avenue, and a line 265 feet easterly of 247th Street;
15. changing from an R3-1 District to an R3A District property bounded by a line 100 feet southerly of Hillside Avenue, a line midway between 233rd Street and Winchester Boulevard, a line perpendicular to the northwesterly street line of Winchester Boulevard distant 215 feet northeasterly (as measured along the street line) from the point of intersection of northeasterly street line of 233rd Street and the northwesterly street line of Winchester Boulevard, Winchester Boulevard, 87th Avenue, and 231st Street;
16. changing from an R3-2 District to an R3A District property bounded by:
- a. 231st Street, 87th Avenue, Winchester Boulevard, a line 100 feet northeasterly of Braddock Avenue, a line 100 feet northwesterly of Billings Street, Braddock Avenue, and a line 185 feet northwesterly of Billings Street and its northeasterly prolongation;
- b. 90th Avenue, Borkel Place, Winchester Boulevard, a line 100 feet southwesterly of Braddock Avenue, 91st Avenue, 222nd Street, 91st Road, 224th Street, 92nd Avenue, a line 100 feet southwesterly of 224th Street, Fairbury Avenue, 222nd Street, a line midway between 93rd Avenue and 93rd Road, a line 100 feet southwesterly of 222nd Street, Edmore Avenue, Winchester Boulevard, a line 200 feet southeasterly of 92nd Avenue, 221st Street, a line 100 feet northwesterly of Davenport Avenue, 220th Street, 91st Road, and 221st Place; and
- c. 92nd Road, Braddock Avenue, 240th Street, a line 100 feet southwesterly of Braddock Avenue, 243rd Street, a line 100 feet northwesterly of Jamaica Avenue, 240th Street, 93rd Road, a line 100 feet southwesterly of 239th Street, 93rd Avenue, a line 365 feet southwesterly of 239th Street, a line midway between Fairbury Avenue and 93rd Avenue, a line 100 feet northeasterly of Gettysburg Street, a line midway between Fairbury Avenue and Edmore Avenue, the southwesterly boundary line of Jack Breininger Park, a line midway between 92nd Road and Davenport Avenue, and a line 100 feet northeasterly of Gettysburg Street;
17. changing from an R4 District to an R3A District property bounded by:
- a. a line 100 feet northeasterly of Braddock Avenue, Ashford Street, Braddock Avenue, and a line 100 feet northwesterly of Billings Street;
- b. 88th Avenue, 235th Court, 88th Avenue, Noline Street, the northwesterly centerline prolongation of 89th Avenue, and a line midway between Pontiac Street and Noline Street; and
- c. Gettysburg Street, a line 100 feet northeasterly of Braddock Avenue, and a line perpendicular to the northwesterly street line of 237th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of 237th Street and the northeasterly street line of Braddock Avenue;
18. changing from an R3-2 District to R3X District property bounded by:
- a. Hillside Avenue, 235th Court, 87th Avenue, and a line midway between Musket Street and Range Street;
- b. 88th Avenue, Ransom Street, a line 100 feet northeasterly of Braddock Avenue, and Winchester Boulevard;
- c. 91st Street, 220th Street, a line 100 feet northwesterly of Davenport Avenue, and 221st Street, a line 200 feet southeasterly of 92nd Avenue, Winchester Boulevard, Edmore Avenue, a line 100 feet southwesterly of 222nd Street, a line midway between 93rd Road and 93rd Avenue, 222nd Street, Fairbury Avenue, a line 100 feet southwesterly of 224th Street, 93rd Road, 220th Street, 93rd Avenue, and Springfield Boulevard;
- d. a line 125 feet northwesterly of Elkmont Avenue, a line midway between 250th Street and 251st Street and its northwesterly prolongation, Shiloh Avenue, and 249th Street and its northwesterly centerline prolongation; and
- e. a line 125 feet northwesterly of Elkmont Avenue, Little Neck Parkway, a line perpendicular to the southwesterly street line of Little Neck Parkway distant 135 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Little Neck Parkway and the northwesterly street line of Union Turnpike, a line midway between Little Neck Parkway and 252nd Street, a line perpendicular to the northeasterly street line of 252nd Street distant 110 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 252nd Street and the northwesterly street line of Union Turnpike, 252nd Street, a line perpendicular to the southwesterly street line of 252nd Street distant 50 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 252nd Street and the northwesterly street line of Union Turnpike, and a line midway between 251st Street and 252nd Street and its northwesterly prolongation;
19. changing from an R3-2 District to an R3-1 District property bounded by a line 125 feet northwesterly of Elkmont Avenue, a line midway between 251st Street and 252nd Street and its northwesterly prolongation, Union Turnpike, 249th Street, Shiloh Avenue, and a line midway between 250th Street and 251st Street and the northwesterly prolongation;
20. changing from an R2 District to an R3-2 District property bounded by:
- a. a line 100 feet southerly of Hillside Avenue, Winchester Boulevard, Hillside Avenue, and 232nd Street;
- b. Hillside Avenue, 253rd Street, a line 100 feet northwesterly of Hillside Avenue, Little Neck Parkway, a line 110 feet northwesterly of Hillside Avenue, a line midway between Little Neck Parkway and 255th Street, a line 120 feet northwesterly of Hillside Avenue, 255th Street, a line 100 feet northwesterly of Hillside Avenue, 262nd Street, Hillside Avenue, 263rd Street, a line 100 feet northwesterly of Hillside Avenue, Langdale Street, a line perpendicular to the easterly street line of Langdale Street distant 285 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the easterly street line of Langdale Street, a boundary line of the City of New York, 267th Street, a line 100 feet southeasterly of Hillside Avenue, a line midway between 260th Street and 261st Street, a line 150 feet southeasterly of Hillside Avenue, 260th Street, and a line 100 feet southeasterly of Hillside Avenue, and 249th Street; and
- c. 81st Avenue, a boundary line of the City of New York, 83rd Avenue, and 268th Street;
21. changing from an R3-1 District to an R3-2 District property bounded by Hillside Avenue, Winchester Boulevard, a line 100 feet southerly and southeasterly of Hillside Avenue, and 231st Street;
22. changing from an R3A District to an R4-1 District property bounded by 90th Avenue, a line 100 feet northwesterly of Jamaica Avenue, and a line 430 feet easterly of 247th Street;
23. changing from an R4 District to an R4-1 District property bounded by a line 540 feet northeasterly of Braddock Avenue, Pontiac Street, Braddock Avenue, and Ransom Street;
24. changing from a C8-1 District to an R4 District property bounded by a line 100 feet northerly of Jamaica Avenue, 251st Street and its southerly centerline prolongation, a boundary line of the City of New York, and 249th Street and its southerly centerline prolongation;
25. establishing within a proposed R3-2 District a C2-3 District bounded by a line 110 feet northwesterly of Hillside Avenue, a line midway between Little Neck Parkway and 255th Street, a line 120 feet northwesterly of Hillside Avenue, 255th Street, Hillside Avenue, a line 100 feet southwesterly of 256th Street, a line 100 feet southeasterly of Hillside Avenue, and Little Neck Parkway;
26. establishing within an existing and proposed R4 District a C2-3 District bounded by a line 100 feet northwesterly of Jamaica Avenue, 251st Street, Jamaica Avenue, and Commonwealth Boulevard;
27. establishing within an existing R3A District a C1-3 District bounded by Hillside Avenue, a line 140 feet easterly of 241st Street, 85th Avenue, and 241st Street;
28. establishing within existing and proposed R3-2 Districts a C1-3 District bounded by:
- a. a line 100 feet northwesterly of Hillside Avenue, 234th Street and its southeasterly centerline prolongation, a line 100 feet southeasterly of Hillside Avenue, a line midway between 233rd Street and Winchester Boulevard, Hillside Avenue, and a line midway between 233rd Street and 234th Street;
- b. Hillside Avenue, a line midway between Range Street and Musket Street, a line 100 feet southwesterly of Hillside Avenue, and Musket Street;
- c. a line 100 feet northwesterly of Jamaica Avenue, a line midway between 242nd Street and 241st Street, Jamaica Avenue, and 240th Street;
- d. a line 100 feet northwesterly of Hillside Avenue, Little Neck Parkway, a line 100 feet southeasterly of Hillside Avenue, 249th Street, Hillside Avenue, and 253rd Street;
- e. a line 100 feet northwesterly of Hillside Avenue, 261st Street, Hillside Avenue, 264th Street, a line 100 feet southeasterly of Hillside Avenue, a line midway between 260th Street and 261st Street, a line 150 feet southeasterly of Hillside Avenue, 260th Street, a line 100 feet southeasterly of Hillside Avenue, 258th Street, Hillside Avenue, and 255th Street;
- f. a line 100 feet northwesterly of Hillside Avenue, 266th Street, a line 100 feet southeasterly of Hillside Avenue, and 265th Street; and
- g. a line 100 feet northwesterly of Hillside Avenue, Langdale Street, a line perpendicular to easterly street line of Langdale Street distant 285 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the easterly street line of Langdale Street, a boundary line of the City of New York, a line perpendicular to the southeasterly street line of East Williston Avenue distant 110 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of East Williston Avenue and the southwesterly street line of 268th Street, East Williston Avenue, and 267th Street; and
29. establishing within an existing R4 District a C1-3 District bounded by:
- a. a line 100 feet northeasterly of Braddock Avenue, Winchester Boulevard, Braddock Avenue, and a line midway between Ashford Street and Winchester Boulevard;
- b. Braddock Avenue, 222nd Street, 91st Avenue, a line 100 feet southwesterly of Braddock Avenue, and Winchester Boulevard;
- c. a line 100 feet northeasterly of Braddock Avenue, Gettysburg Street, a line perpendicular to the northwesterly street line of 237th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of 237th Street and the northeasterly street line of Braddock Avenue, 237th Street, Braddock Avenue, a line midway between 237th Street and 238th Street, a line 100 feet northeasterly of Braddock Avenue, 238th Street, Braddock Avenue, 92nd Road, Gettysburg Street, 92nd Avenue, a line 180 feet northeasterly of 224th Street, a line 80 feet northwesterly of 92nd

Avenue, 224th Street, Braddock Avenue, and Lyman Street;

- d. a line 100 feet northeasterly of Braddock Avenue, 239th Street, Braddock Avenue, and a line 50 feet southeasterly of 238th Street;
- e. a line 100 feet northeasterly of Braddock Avenue, 240th Street, Braddock Avenue, and a line midway between 239th Street and 240th Street;
- f. a line 100 feet northeasterly of Braddock Avenue, 241st Street, Braddock Avenue, and a line midway between 241st Street and 240th Street;
- g. a line 100 feet northerly of Braddock Avenue, 242nd Street, 91st Avenue, a line 100 feet easterly of 242nd Street, Braddock Avenue, and a line midway between 242nd Street and 241st Street; and
- h. a line 150 feet northerly of Braddock Avenue, 245th Street, a line 80 feet northwesterly of Jamaica Avenue, 91st Avenue, a line 100 feet northwesterly of Jamaica Avenue, Commonwealth Boulevard, Jamaica Avenue, Braddock Avenue, and Cross Island Parkway;

as shown in a diagram (for illustrative purposes only) dated February 19, 2013, and subject to the conditions of CEQR Declaration E-299.

#### No. 6

#### USTA BILLIE JEAN KING TENNIS CENTER

**CDs 3, 4, & 6-9 C 130155 PPQ**  
**IN THE MATTER OF** an application submitted by the NYC Department of Parks and Recreation (DPR) and the USTA National Tennis Center Inc., pursuant to Section 197-c of the New York City Charter, for the disposition of a lease of city-owned property to the USTA National Tennis Center Inc. located northerly of United Nations Avenue North, between Meridian Road, and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park.

#### NOTICE

**On Wednesday, April 24, 2013, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning a disposition of non-residential City-owned land at the USTA Billie Jean King National Tennis Center (NTC), located in Flushing Meadows Corona Park in Queens. The NTC is located on a portion of Queens Block 2018, Lot 1, on park land leased by The City of New York Department of Parks and Recreation to USTA National Tennis Center, Incorporated (USTA). The leased site is bounded to the north by the railway tracks of Long Island Railroad (LIRR)'s Port Washington line; United Nations Avenue North to the south; the Passarelle Building and Path of the Americas to the east; and Grand Central Parkway to the west. The proposed actions would facilitate a proposal to improve and expand USTA facilities, collectively known as the NTC Strategic Vision. To accommodate the proposed project, up to 0.94 acres of land would be added to the NTC site, including up to 0.68 acres of park land that would be alienated. Written comments on the DEIS are requested and would be received and considered by the Lead Agency through Monday, May 6, 2013.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 12DPR005Q.**

**YVETTE V. GRUEL, Calendar Officer  
 City Planning Commission  
 22 Reade Street, Room 2E  
 New York, New York 10007  
 Telephone (212) 720-3370**

**a10-24**

## COMMUNITY BOARDS

### ■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 08 - Monday, April 22, 2013 at 7:30 P.M., Hillside Manor, 188-11 Hillside Avenue, Hollis, NY

#### BSA #86-13-BZ

65-43 171st Street, Flushing  
 Application for a special permit pursuant to Section 73-621 of the Zoning Resolution, to permit in an R2 zoning district the enlargement of an existing one-family dwelling, which will not provide the required open space ratio and exceeds the maximum permitted floor area.

#### #C 130170ZMQ

St. Francis Prep Rezoning  
 IN THE MATTER OF an application submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R3-2 district to an R4 district property.

**a16-22**

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 07 - Thursday, April 25, 2013 at 6:30 P.M., Bronx Community Board 7, 229A East 204th Street, Bronx, NY

#### C130120ZMX

River Plaza Rezoning  
 IN THE MATTER OF an application submitted by Kingsbridge Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, eliminating from within an existing R6 district a C1-3 district.

**a19-25**

## EMPLOYEES' RETIREMENT SYSTEM

### ■ INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, April 23, 2013 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

**a16-22**

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on **Tuesday, April 23, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 14-2364 - Block 123, lot 44- Barnett Avenue between 48th Street and 50th Street - Sunnyside Gardens Historic District A park built in 1926. Application is to legalize the installation of retaining walls and to install additional retaining walls. Community District 4.

#### BINDING REPORT

BOROUGH OF QUEENS 14-2234 - Block 898, lot 1-24-02 19th Street-Astoria Park Pool and Play Center - Individual Landmark An Art Moderne style pool complex designed by John Matthews Hatton, Aymar Embury II, landscape architects Gilmore D. Clarke and Allyn R. Jennings, and civil engineers W. Earle Andrews and William H. Latham and built in 1934-36. Application is to modify the bleachers, perimeter wall, diving pool and platforms, and to install signage and paving. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 14-1405 - Block 262, lot 54-280 Henry Street-Brooklyn Heights Historic District A Greek Revival style rowhouse built in 1837 and altered in the late 19th and mid-20th centuries. Application is to construct a bulkhead, and mechanical equipment on the roof, reconstruct the rear facade and addition, and excavate the cellar and rear yard. Zoned R-6, LH-1. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF OJE-CLINTON HILL Historic District An apartment building complex designed by Harrison, Fouilhoux & Abramovitz and built in 1942. Application is establish a master plan governing the future replacement of windows. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 13-8919 - Block 2112, lot 11-127 St. Felix Street-Brooklyn Academy of Music Historic District An Italianate style rowhouse built c.1859. Application is to construct a stair bulkhead, alter the rear facade, and excavate the cellar and rear yard. Zoned R6B. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-6748 - Block 444, lot 11-356 President Street - Carroll Gardens Historic District A brick house built in 1869. Application is to legalize the installation of windows without Landmarks Preservation Commission permit(s). Community District 6.

#### BINDING REPORT

BOROUGH OF MANHATTAN 14-2329 - Block 1, lot 10- Governors Island - Governors Island Historic District A portion of an island in New York Harbor containing fortifications and a range of military buildings dating from the early 19th century to the 1930s. Application is to remove brick pathways. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1137 -Block 607, lot 1-32 Avenue of the Americas-Long Distance Building of the American Telephone and Telegraph Company Building-Individual Landmark An Art Deco style building designed by McKenzie, Voorhees and Gmelin and constructed in 1911-14 and enlarged by seven stories in 1914-16, and substantially

enlarged again and altered in 1930-32 by Voorhees, Gmelin & Walker. Application is to establish a Master Plan to alter ground floor openings, and install storefront infill, marquees and signage. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1322 -Block 482, lot 44-430 Broome Street-SoHo-Cast Iron Historic District Extension A Queen Anne style store and factory building built in the earlier part of the 19th century and altered in 1894-95 by Julius Kastner. Application is to construct a rooftop addition. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1580 -Block 500, lot 21-110 Prince Street-SoHo-Cast Iron Historic District A one-story building designed by John Truso and built in 1994. Application is to retain rooftop artwork installed as temporary pursuant to Certificate of No Effect 12-3782 as a temporary installation. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-2604 -Block 586, lot 7-74 Wooster Street-SoHo-Cast Iron Historic District A factory designed by Charles Mattam and built in 1869. Application is to install new storefront infill, remove shutters, enlarge a light well and construct a rooftop addition. Zoned M1-5A. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-7977-Block 576, lot 48-11 West 12th Street - Greenwich Village Historic District A townhouse originally built in 1847, and altered in the 20th century. Application is to alter the front façade and reconstruct the rear façade, modify a bulkhead, excavate the rear yard and install a rear yard wall. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-8441 - Block 593, lot 23-395 6th Avenue-Greenwich Village Historic District A commercial building originally built in 1876, remodeled in 1958 and again in 1985 by James Stewart Polshek. Application is to alter the facade, install storefront infill, and signage. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1240- Block 611, lot 65-33 Greenwich Avenue-Greenwich Village Historic District An apartment building built in 1960-61. Application is remove a sidewalk cafe enclosure altered without Landmarks Preservation Commission permit(s), and construct a new sidewalk cafe enclosure. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-3756 -Block 590, lot 10-275 Bleecker Street-Greenwich Village Historic District Extension II A Federal/ Italianate style rowhouse built c.1818 and altered in 1876. Application is to modify storefront cladding installed without Landmarks Preservation Commission permits. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1825 - Block 1119, lot 36-54 King Street-Charlton-King-Vandam Historic District A Greek Revival style rowhouse built in 1841. Application is to modify the roof and rear facade. Zoned R10A, C4-7. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-4449 - Block 720, lot 20-455 West 22nd Street-Chelsea Historic District An Anglo-Italianate style rowhouse built in 1855. Application is to construct a rear yard addition. Zoned R7B. Community District 4.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1197 - Block 827, lot 39-202 Fifth Avenue, aka 1122 Broadway, 103 West 25th Street - Madison Square North Historic District A neo-Classical style office building designed by Buchman & Kahn, with Zimmerman, Saxe & Zimmerman, and built in 1918-1919. Application to construct a rooftop addition and bulkhead; raise a parapet; modify and create masonry openings; replace façade cladding; and install storefront infill, windows, signage, lighting, a marquee, and interior partitions at windows. Zoned C5-3. Community District 5.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-0476 - Block 829, lot 39-242 Fifth Avenue-Madison Square North Historic District A Queen Anne style store building designed by George Harding and built in 1885. Application is to construct rooftop and rear yard additions, and install storefront infill. Zoned C5-2. Community District 5.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-1084 -Block 846, lot 33-200 Park Avenue South, aka 39-45 East 17th Street-The Everett Building- Individual Landmark A Chicago style commercial building designed by Goldwin Starrett and Van Vlaeck and built in 1908. Application is to install signage and replace the storefront doors. Community District 5.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-2160 - Block 1217, lot 1-165 West 86th Street -West Park Presbyterian Church - Individual Landmark A Romanesque Revival style church, designed by Henry Killburn and built in 1889-90. Application is to install a canopy and signage. Community District 7.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-0283 - Block 1128, lot 59-52 West 76th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by George M. Walgrove and built in 1887-89. Application is to legalize the installation of security cameras and intercom installed without Landmarks Preservation Commission permit(s), and areaway and stoop alterations



completed in non-compliance with Certificate of No Effect 09-0606. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-9170 - Block 1211, lot 47-132 West 81st Street-Upper West Side/Central Park West Historic District A neo-Grec style rowhouse designed by Edward J. Webb and built in 1887, altered in the Beaux-Arts style by Edward J. Webb in 1904. Application is to alter the facade, demolish the existing rear extension, and construct rear yard and rooftop additions. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-1525 - Block 1218, lot 149-152 West 88th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Neville & Bagge and built in 1893. Application is to excavate the rear yard. Zoned R7-2. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-1235 - Block 1147, lot 19-125 West 75th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Neville & Bagge and built in 1893-94. Application is to alter the areaway and install new walls and railings. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-8160 - Block 1150, lot 48-140 West 79th Street-Upper West Side/Central Park West Historic District A neo-Tudor style apartment building designed by Rose & Goldstone and built in 1913-1914. Application is to legalize the installation of windows without Landmarks Preservation Commission permit(s) and establish a Master Plan governing the future installation of windows. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-8564 - Block 1251, lot 15-311 West 90th Street-Riverside West End Historic District A Renaissance Revival style rowhouse, designed by Thomas J. Sheridan and built in 1890-1891. Application is to construct the rear and rooftop additions, replace windows, lower the areaway, and construct a stoop. Zoned R-8. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-1275 - Block 1379, lot 51-747 Madison Avenue-Upper East Side Historic District An apartment house designed by Kikkins & Lyras and built in 1959. Application is to replace storefront infill, install signage, and re-clad the base of the building. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0003 - Block 1383, lot 50-827 Madison Avenue-Upper East Side Historic District A Queens Anne style residence built in 1880 and modified in 1923 by James Casale. Application is to re-clad the first floor. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2080 - Block 1406, lot 1-737 Park Avenue-Upper East Side Historic District A Classicizing Art-Deco style apartment building designed by Sylvan Bien and built in 1940. Application is to install mechanical equipment at the roof. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-1501 - Block 1385, lot 7501-11-15 East 70th Street-John Chandler and Corrine deBebian Moore House-Individual Landmark A neo-French Classic style residence, designed by John Duncan, and built in 1909-1910, and a Beaux-Arts style residence, designed by Charles I. Berg, and built in 1909-1910. Application is to amend Certificate of Appropriateness a Master Plan for the installation of new window openings. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-0328 - Block 1377, lot 71-815 Fifth Avenue-Upper East Side Historic District A building built in 1870-71 and altered in 1923 by Murgatroyd and Ogden, and subsequently stripped of ornament at the upper floors. Application is to demolish most of the building and construct a new building. Zoned R-10. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2598 - Block 1420, lot 7501-1127 3rd Avenue - Manhattan House - Individual Landmark A modern style mixed-use complex, consisting of a 21-story apartment house, and underground garage, and two groups of stores, designed by Mayer & Whittlesey and Skidmore, Owings, and Merrill, and built between 1947 and 1951. Application is to install through-the-wall HVAC louvers. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 14-2184 - Block 1503, lot 57,58-28-30 East 92nd Street-Carnegie Hill Historic District Two Renaissance Revival style rowhouses designed by Henry J. Hardenbergh and built in 1892-95. Application is to combine the buildings, alter the areaways, and construct rooftop and rear yard additions. Zoned R-10/C 1-5. Community District 8.

a10-23

**TRANSPORTATION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, April 24, 2013. Interested parties can obtain copies of

proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1** In the matter of a proposed revocable consent authorizing Columbia Grammar and Preparatory School to construct, maintain and use a ramp, steps and planted areas on the south sidewalk of West 94th street, east of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the approval date to June 30, 2013 - \$1,293/annum.

For the period July 1, 2013 to June 30, 2014 - \$1,325  
For the period July 1, 2014 to June 30, 2015 - \$1,357  
For the period July 1, 2015 to June 30, 2016 - \$1,389  
For the period July 1, 2016 to June 30, 2017 - \$1,421  
For the period July 1, 2017 to June 30, 2018 - \$1,453  
For the period July 1, 2018 to June 30, 2019 - \$1,485  
For the period July 1, 2019 to June 30, 2020 - \$1,517  
For the period July 1, 2020 to June 30, 2021 - \$1,549  
For the period July 1, 2021 to June 30, 2022 - \$1,581  
For the period July 1, 2022 to June 30, 2023 - \$1,613

the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#2** In the matter of a proposed modification revocable consent authorizing Consolidated Edison Company of NY, Inc. to construct, maintain and use additional improvements. The improvements consist of antennas equipment boxes and conduits and related appurtenances on the tops and sides of The Department of Transportation street light poles, in the Five (5) Boroughs of the City of New York. The proposed revocable consent is for a term of nine years from the date of approval by the Mayor to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$84,421 + \$7,500/annum (prorated from the date of Approval by the Mayor)

For the period July 1, 2013 to June 30, 2014 - \$ 94,511  
For the period July 1, 2014 to June 30, 2015 - \$ 97,101  
For the period July 1, 2015 to June 30, 2016 - \$ 99,691  
For the period July 1, 2016 to June 30, 2017 - \$102,281  
For the period July 1, 2017 to June 30, 2018 - \$104,871  
For the period July 1, 2018 to June 30, 2019 - \$107,461  
For the period July 1, 2019 to June 30, 2020 - \$110,051  
For the period July 1, 2020 to June 30, 2021 - \$112,641  
For the period July 1, 2021 to June 30, 2022 - \$115,231

the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

**#3** In the matter of a proposed revocable consent authorizing Evergreen Gardens, Inc. to continue to maintain and use a tunnel under and across Evergreen Avenue, north of Story Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$3,527  
For the period July 1, 2013 to June 30, 2014 - \$3,623  
For the period July 1, 2014 to June 30, 2015 - \$3,719  
For the period July 1, 2015 to June 30, 2016 - \$3,815  
For the period July 1, 2016 to June 30, 2017 - \$3,911  
For the period July 1, 2017 to June 30, 2018 - \$4,007  
For the period July 1, 2018 to June 30, 2019 - \$4,103  
For the period July 1, 2019 to June 30, 2020 - \$4,199  
For the period July 1, 2020 to June 30, 2021 - \$4,295  
For the period July 1, 2021 to June 30, 2022 - \$4,391

the maintenance of a security deposit in the sum of \$10,000 and the insurance shall be the amount of One Thousand Two Hundred Fifty Million Dollars (1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

**#4** In the matter of a proposed revocable consent authorizing Government of the Republic of Singapore to construct, maintain and use sidewalk lights on the south sidewalk of East 48th Street, west of United Nations Plaza, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2023- \$125/annum. the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#5** In the matter of a proposed revocable consent authorizing Knickerbocker Square Associates, L.P. to continue to maintain and use a fenced-in planted area, on the north sidewalk of Gates Avenue, east of Knickerbocker Avenue, and continuing along east side of Knickerbocker Avenue in the northerly direction, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$1,252/annum.

the maintenance of a security deposit in the sum of \$12,000 and the insurance shall be the amount of One Million Dollars (1,000,000) per occurrence, and Two Million Dollars (\$2000,000) aggregate.

a4-24

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**CITYWIDE PURCHASING**

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jj24-d1

**POLICE**

**OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

**INQUIRIES**  
Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

**FOR MOTOR VEHICLES**

- (All Boroughs):
- \* Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
  - \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

**FOR ALL OTHER PROPERTY**

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

**PROCUREMENT**

*"Compete To Win" More Contracts! Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

*"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."*

**CITYWIDE ADMINISTRATIVE SERVICES**

■ SOLICITATIONS

Goods

**CAMERA (BRAND SPECIFIC)** – Competitive Sealed Bids – PIN# 8571300243 – DUE 05-20-13 AT 10:30 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home> .asp.

Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov) by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services,  
1 Centre Street, Municipal Building, 18th Floor, New York,  
NY 10007. Wendy Almonte (212) 386-0471;  
Fax: (212) 669-4867; [walmonte@dcas.nyc.gov](mailto:walmonte@dcas.nyc.gov)

a22

#### Services (Other Than Human Services)

**RENTAL OF REFUSE CONTAINERS** – Competitive Sealed Bids – PIN# 8571300010 – DUE 05-20-13 AT 10:30 A.M. – A copy of the bid can be downloaded from City Record Online at <http://a856-internet.nyc.gov/nycvendononline/home.asp> Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov) by telephone at (212) 669-8610.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services,  
1 Centre Street, 18th Floor, New York, NY 10007.  
Harry Tian (212) 386-0463; Fax: (212) 313-3198;  
[htian@dcas.nyc.gov](mailto:htian@dcas.nyc.gov)

a22

#### AWARDS

##### Goods

**BABY FOOD, INFANT FORMULA, AND SNACK ITEMS** – ACS – Competitive Sealed Bids – PIN# 8571300200 – AMT: \$15,829.00 – TO: Cookies and More Inc., 145 Price Pkwy., Farmingdale, NY 11735.

● **TRUCK INVESTIGATION (DEP)** – Competitive Sealed Bids – PIN# 8571300044 – AMT: \$1,821,740.00 – TO: Gabrielli Truck Sales Ltd., 153-20 South Conduit Avenue, Jamaica, NY 11434.

a22

#### CITYWIDE PURCHASING

##### SOLICITATIONS

#### Services (Other Than Human Services)

**PUBLIC SURPLUS ONLINE AUCTION** – Other – PIN# 0000000000 – DUE 12-31-14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services,  
66-26 Metropolitan Avenue, Queens Village, NY 11379.  
Donald Lepore (718) 417-2152; Fax: (212) 313-3135;  
[dlepore@dcas.nyc.gov](mailto:dlepore@dcas.nyc.gov)

s6-f25

#### MUNICIPAL SUPPLY SERVICES

##### AWARDS

##### Goods

**RADIATION DETECTION RESPONSE KITS** – Competitive Sealed Bids – PIN# 8571200654 – AMT: \$2,236,051.90 – TO: Atlantic Nuclear Corp., 100 Weymouth Street, Unit E, Rockland, MA 02370.

a22

#### VENDOR LISTS

##### Goods

**EQUIPMENT FOR DEPARTMENT OF SANITATION** – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

## DESIGN & CONSTRUCTION

### SOLICITATIONS

#### Construction / Construction Services

**LQD122-CM, LOWER LEVEL RENOVATION AT CAMBRIA HEIGHTS LIBRARY, QUEENS** – Sole Source – Available only from a single source - PIN# 8502013LQ0002P – DUE 05-03-13 AT 4:00 P.M. – The Department of Design and Construction intends to enter into a sole source contract with the Queens Borough Public Library for the above project. The contractor must have unique knowledge of the site, and must guarantee the assumption of all costs above the estimated cost of construction. Any firm which believes that it is also qualified to provide these services or would like to provide such services in the future is invited to indicate by letter, which must be received no later than May 3, 2013 to Steven Wong, Program Director, 5th Floor, 30-30 Thomson Avenue, Long Island City, New York 11101, (718) 391-2550, [Wongs@ddc.nyc.gov](mailto:Wongs@ddc.nyc.gov)

a22-26

**RESIDENT ENGINEERING INSPECTION SERVICES FOR WATER MAIN WORK IN VARIOUS LOCATIONS, QUEENS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502013WM0013-14P – DUE 05-20-13 AT 4:00 P.M. – QED1001, QED1002; All qualified and interested firms are advised to download the Request for Proposal at <http://ddcrfp.nyc.gov/rfpweb/> from April 23, 2013 or contact the person listed for this RFP. The contract resulting from this Request for Proposal will be subjected to Local Law 129 of 2005, Minority Owned and

Women Owned Business Enterprise (M/WBE) program. The submission date is indicated above.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Design and Construction,  
30-30 Thomson Avenue, 4th Floor, Long Island City, NY  
11101. Hemwattie Roopnarine (718) 391-1375;  
Fax: (718) 391-1886; [Ramnarah@ddc.nyc.gov](mailto:Ramnarah@ddc.nyc.gov)

a22

### CONTRACT

#### SOLICITATIONS

#### Construction / Construction Services

**INSTALLATION OF NEW CENTRAL BOILER PLANT AND FUEL TANKS AT 3 FACILITIES ON WARDS ISLAND, MANHATTAN** – Competitive Sealed Bids – PIN# 85013B0101 – DUE 05-15-13 AT 2:00 P.M. – PROJECT NO.: HH112WBLLR/DDC PIN: 8502013HL0004C. There will be an Optional Pre-Bid Walk-thru on Wednesday, May 1, 2013 at 10:00 A.M. at the Clark Thomas Building located on Wards Island. Special Experience Requirements for bidder only. Clearance security will be required as stated in contract documents. Bid documents are available at: <http://www.nyc.gov/buildnyc>.

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified). Vendor Source ID#: 83999.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY  
11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

a22

**SAFE ROUTES TO TRANSIT, PHASE I IN THE VICINITY OF VARIOUS LOCATIONS, THE BRONX** – Competitive Sealed Bids – PIN# 85013B0077 – DUE 05-22-13 AT 11:00 A.M. – PROJECT NO.: HWSRT200A/DDC PIN: 8502012HW0056C. Experience Requirements. Bid Documents are available at: <http://www.nyc.gov/buildnyc>

The deposit must be made in the form of a company check, certified check or money order, no cash accepted. Refunds will be made only for contract documents that are returned with a receipt and in the original condition.

Each bid submitted must be accompanied by a certified check for not less than 10 percent of the amount of the bid or a bid bond for not less than 10 percent of the amount of the bid.

This contract is subject to the Federal Transit Administration (FTA) Third Party requirements. In addition to compliance with the FTA requirements, the Contractor shall also be required to comply with all City requirements as depicted in the Information for Bidders and Standard Construction Contract herein, Third Party Requirements, Standard Clauses for all New York State Contracts, and Exhibits which are hereby made a part of the original contract documents. Wherever a conflict may exist, the FTA Regulations shall take precedence.

Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit bids and the City of New York hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the basis of race, color, sex, sexual orientation, national origin, age or place of residence. Prospective bidder's attention is directed to the requirements of FTA Contract clauses, Standard clauses, exhibits and Appendices in its entirety in Volume 3 of the contract concerning DBE participation in the contract. The schedule of proposed DBE participation is to be submitted by the apparent low bidder upon request after the date of the opening of bids.

Non-compliance of submission of the requested documents, the stipulations of Appendix B or submittal of bids in which any of the prices for lump sum or unit items are significantly unbalanced to the potential detriment of the Department may be cause for a determination of non-responsiveness and the rejection of the bid. The award of this contract is subject to the approval of the New York City Department of Design and Construction and the New York City Department of Transportation.

DBE Goal: 5 percent

Agency Contact Person - Lorraine Holley (718) 391-2601  
NOTE: Bid Documents are available for downloading at: <http://www.nyc.gov/buildnyc>

"THIS IS A FEDERAL TRANSIT ADMINISTRATION (FTA) PROJECT. FOR FURTHER INFORMATION, PLEASE REFER TO ARTICLE 29 IN VOLUME 3 UNDER ADDENDUM #2. DBE REQUIREMENTS APPLY TO THIS CONTRACT. SEE PAGE A-2 IN VOLUME 1 FOR DBE PARTICIPATION GOALS AND ADDITIONAL DBE REQUIREMENTS. THE DBE PERCENTAGE FOR THIS PROJECT IS: 5 percent. Vendor Source ID#: 83983.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY  
11101. Ben Perrone Phone: (718) 391-2200;  
Fax: (718) 391-2615.

a22

**CLEANING, TELEVISION INSPECTION AND DIGITAL AUDIO-VISUAL RECORDING OF SEWERS** – Competitive Sealed Bids – PIN# 85013B0066 – DUE 05-21-13 AT 11:00 A.M. – At unknown locations in the City Sewer System on an as needed basis, Citywide. PROJECT NO.: SETVDDC12-R/DDC PIN: 8502013SE0016C. Experience Requirements. Bid documents are available at: <http://www.nyc.gov/buildnyc>

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities." To find out more about M/WBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified). Vendor Source ID#: 83949.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company Check or Money Order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY  
11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

a22

**MULTI-SITE PEDESTRIAN SAFETY AT VARIOUS INTERSECTIONS, CITYWIDE** – Competitive Sealed Bids – PIN# 85013B0091 – DUE 05-17-13 AT 11:00 A.M. – PROJECT NO.: HWPEDSF3/DDC PIN: 8502013HW0048C. Experience Requirements. Bid Documents are available at: <http://www.nyc.gov/buildnyc>

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified). Vendor Source ID#: 83983.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY  
11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

a22

**SOUTH BRONX MARINE TRASFER STATION DEMOLITION, THE BRONX** – Competitive Sealed Bids – PIN# 85013B0078 – DUE 05-14-13 AT 2:00 P.M. – PROJECT NO.:S216-421/DDC PIN:8502013TR0004C

There will be an Optional Pre-bid Conference on Thursday, May 2, 2013 at 10:00 A.M. at the Department of Design and Construction, 30-30 Thomson Avenue, 4th floor, Commissioner Conference Room, Long Island City, NY 11101. To follow will be a site visit at 2:00 P.M. at the South Bronx Marine Transfer Station located at Terminus of Farragut Street Bronx, NY 10474.

Special Experience Requirements.

This contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For Further Information, See Volume 2 of the Bid Documents.

This contract is part of a Multi-Agency Pilot Program in which the City's Standard Construction Contract provisions concerning Delay Damages have been revised altering the allocation of the risk of projects delays, to allow contractors appropriate compensation for certain delays that are reasonably considered to be the City's responsibility.

Bid documents are available at: <http://www.nyc.gov/buildnyc>

This bid solicitation includes M/WBE Participation Goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities". For more information about MWBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified)

Vendor Source ID#: 83970.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY  
11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

a22

## OFFICE OF EMERGENCY MANAGEMENT

### AWARDS

#### Goods

#### ROUTERS/SWITCHES (INFRASTRUCTURE UPGRADE)

– Intergovernmental Purchase – PIN# 85720135401891 – AMT: \$485,521.52 – TO: IP Logic, Inc., 17 British American Blvd., Latham, New York 12110. In pursuant to Section 3-06 of the Procurement Policy Board Rules, the New York City Office of Emergency Management contracted with IP Logic, Inc. for Cisco Networking Hardware, which will be used at its alternative site for responding to emergency situations.

This vendor was the lowest responsible bidder.

a22

## FINANCE

### INTENT TO AWARD

#### Services (Other Than Human Services)

**GENERAL BANKING SERVICES** – Negotiated Acquisition – PIN# 83613N0002 – DUE 04-29-13 AT 3:00 P.M. – This negotiation is between TD Bank and the New York City Department of Finance.

This notice is required as per the Procurement Policy Board Rules of the City of New York. This is not a solicitation for

work It is an announcement only regarding the business of the City of New York.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Department of Finance, 1 Centre Street, Room 1040, New York, NY 10007. Adenike Bamgboye (212) 669-4264; bamgboyea@finance.nyc.gov

a16-22

**HEALTH AND HOSPITALS CORPORATION**

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

**SOLICITATIONS**

Goods

**STAINLESS STEEL ADJUSTABLE AUTOPSY TABLES FOR SALE** – Competitive Sealed Bids – PIN# 000041213012 – DUE 05-22-13 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollrore (212) 318-4260; Fax: (212) 318-4253; starr.kollrore@nychhc.org

a22

**HOUSING AUTHORITY**

**SOLICITATIONS**

Goods

**SMD FURNISHING WOOD KITCHEN CABINETS** – Competitive Sealed Bids – PIN# 59404 TE – DUE 05-23-13 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Terry Eichenbaum (212) 306-4546; Fax: (212) 306-5109; terry.eichenbaum@nycha.nyc.gov

a22

Construction / Construction Services

**GAS PIPING REPLACEMENT AT CLASON POINT GARDENS** – Competitive Sealed Bids – PIN# PL1222345 – DUE 05-13-13 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Housing Authority, 90 Church Street, New York, NY 10007. Vaughn Banks (212) 306-6727; Fax: (212) 306-5152; vaughn.banks@nycha.nyc.gov

a22

**HUMAN RESOURCES ADMINISTRATION**

**INTENT TO AWARD**

Human / Client Services

**PERMANENT CONGREGATE HOUSING AND SUPPORTIVE SERVICES FOR PLWA'S** – Negotiated Acquisition – PIN# 06914H084806 – DUE 04-29-13 AT 2:00 P.M. – For Informational Purposes Only. HRA intends to award the contract to the following vendor. NORTH GENERAL AIDS HDF - PIN: 06914H084806.

HRA has determined that there is a compelling need, in light of the Agency's programmatic responsibilities, for the use of the Negotiated Acquisition process to contract with North General AIDS HDFC - Contract Amount: \$754,386.00. This vendor is currently providing Permanent Congregate Housing and supportive services to Persons Living with AIDS (PLWAs) in a building it owns. This negotiation acquisition for 12 months will ensure that these fragile clients continue to receive needed critical services until a new contract is in place.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Human Resources Administration, 180 Water Street, 14th Floor, New York, NY 10038. Barbara Beirne (929) 221-6348; Fax: (212) 331-5993; beirneb@hra.nyc.gov

a22-26

**CONTRACT MANAGEMENT**

**AWARDS**

Human / Client Services

**PERMANENT CONGREGATE SUPPORTIVE HOUSING FOR PLWA'S** – Required/Authorized Source – Judgment required in evaluating proposals -

PIN# 09612R0001001 – AMT: \$1,131,579.00 – TO: North General Aids Housing Development Fund Corp., 306 Lenox Avenue, 3rd Floor, New York, NY 10027. The contract term shall be from 7/1/11 - 12/31/12 and the Internal PIN number is 06912H070101.

a22

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**AWARDS**

Goods & Services

**INSTALL, IMPLEMENT AND SUPPORT OF SAN FOR MOME** – Competitive Sealed Bids – PIN# 85812B0004001 – AMT: \$363,389.00 – TO: Video Technologies Group LLC, 21 Charles Street, Suite 116, Westport, CT 06880.

a22

**PARKS AND RECREATION**

**AWARDS**

Goods

**NOTICE OF AWARD** – Public Bid – PIN# CWB2013A – AMT: \$525,000.00 – TO: NYSP Outlet Corporation, 48-24 33rd Street, Long Island, New York 11101, Queens. The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to NYSP Outlet Corporation of 48-24 33rd Street, Long Island, New York 11101, Queens, for the operation of one (1) T-shirt concession at nine (9) various Central Park locations, and one (1) location at Theodore Roosevelt Park, Manhattan, for the sale of Parks' approved merchandise. The concession, which was solicited by a Request for Proposals, operates pursuant to an Agreement for one (1) five-year term and expires on April 16, 2018. Compensation to the City is as follows: Year 1: \$95,000; Year 2: \$99,500; Year 3: \$105,525; Year 4: \$108,210, and Year 5: \$116,765. Vendor may only operate during hours that the park is open. All merchandise and prices are subject to Parks' approval.

● **NOTICE OF AWARD** – Public Bid – PIN# CWB2013A – AMT: \$120,000.00 – TO: Nadira Sultana, 8802 102nd Road, Ozone Park, New York 11416. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Nadira Sultana of 8802 102nd Road, 1st Floor, Ozone Park, New York 11416, for the operation of one (1) non-processing pushcart with a 3" x 3" unit for the sale of ice cream in warm weather or nuts in cold weather at West 109th Street and Riverside Drive, Riverside Park, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to an Agreement for one (1) five-year term and expires on December 31, 2017. Compensation to the City is as follows: Year 1: \$22,000; Year 2: \$23,000; Year 3: \$24,000; Year 4: \$25,000, and Year 5: \$26,000.

● **NOTICE OF AWARD** – Public Bid – PIN# CWB2013A – AMT: \$6,630.00 – TO: Pedro Solano, 2407 Walton Avenue, Bronx, New York 10468. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Pedro Solano of 2407 Walton Avenue, Bronx, New York 10468, for the operation of one (1) non-processing pushcart with a 3" x 3" unit for the sale of ice cream in warm weather or nuts in cold weather at John V. Lindsay-East River Park, near amphitheatre, east of FDR Drive, north of the Williamsburg Bridge, East 6th Street Runners' track on Service Road and turn-style gate, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to an Agreement for one (1) five-year term and expires on December 31, 2017. Compensation to the City is as follows: Year 1: \$1,200; Year 2: \$1,260; Year 3: \$1,323; Year 4: \$1,389, and Year 5: \$1,458.

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**CAPITAL PROJECTS**

**INTENT TO AWARD**

Construction Related Services

**EXTENDED DESIGN AND CONSTRUCTION MANAGEMENT SERVICES** – Negotiated Acquisition – Available only from a single source - PIN# 8462013X126S01 – DUE 05-01-13 AT 4:30 P.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into a Negotiated Acquisition with Planning Design Inc., dba Sanford Golf Design, for Extended Design and Construction Management Services for the Construction of a Tournament-Quality Golf Course at Ferry Point Park, located in the Borough of the Bronx.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 1st, 2013. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on-line at NYC.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Parks and Recreation, Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; grace.fields-mitchell@parks.nyc.gov

a18-24

**CONTRACT ADMINISTRATION**

**AWARDS**

Construction / Construction Services

**EMERGENCY RECONSTRUCTION OF SHORELINE PROTECTION** – Emergency Purchase – PIN# 84613E0013001 – AMT: \$359,216.00 – TO: Delaney Assoc. LP, 125-08 26th Avenue, Flushing, NY 11354.

And related site work in connection with Hurricane Sandy at Orchard Beach in Pelham Bay Park, The Bronx, known as Contract #X039-113MA. EMERGENCY CONTRACT.

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**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

**SOLICITATIONS**

Construction Related Services

**ELECTRICAL UPGRADE** – Competitive Sealed Bids – PIN# SCA13-14522D-1 – DUE 05-06-13 AT 2:00 P.M. – Same

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Stacia Edwards (718) 752-5849; sedwards@nycsca.org

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**AGENCY RULES**

**HEALTH AND MENTAL HYGIENE**

**NOTICE**

**NOTICE OF PUBLIC HEARING**

**Subject:** Proposed technical amendments to Article 175 of the New York City Health Code in order to maintain compatibility with federal regulations, primarily concerning the expanded definition of byproduct material and exemptions from licensing, distribution and reporting requirements.

**Date/Time:** May 24, 2013/ 10:00 A.M. to 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
 42-09 28th Street  
 14th Floor, Room 14-45  
 Queens, NY 11101

**Contact:** Rena Bryant  
 (347) 396-6071

**Proposed Rule**

The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 175 of the Health Code to make certain technical additions and revisions to ensure compatibility with applicable federal regulations, primarily concerning the expanded definition of byproduct material and exemptions from licensing, distribution and reporting requirements.

**Instructions**

Prior to the hearing, you may submit written comments about the proposed amendments by mail to: New York City Department of Health and Mental Hygiene Board of Health  
 Attention: Rena Bryant, Secretary to the Board of Health  
 42-09 28th Street, WS 14-55  
 Queens, NY 11101  
 or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules), or by email to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov), or online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., on May 24, 2013.

If you are interested in pre-registering to speak, please notify Rena Bryant by May 23, 2013. Please include a phone number where, if necessary, you may be reached during normal business hours. You can also register at the door until 10:00 A.M.; however, preference will be given to those who pre-register. At the public hearing, you can speak up to five minutes. To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by May 10, 2013.

The Department's general policy is to make written comments available for public viewing on the internet. All comments received, including any personal information provided, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>. Copies of written comments and a transcript of oral comments received at the hearing will be available for public inspection within a reasonable time after the hearing between the hours of 9:00 A.M. and 5:00 P.M. at the address above.

**Statutory Authority**

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the Charter and applicable state and federal law.

- Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate matters affecting health in New York City. Specifically, Section 556 (c)(11) of the Charter authorizes the Department to supervise and regulate public health aspects of ionizing radiation within the five boroughs of New York City.
- Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends.
- Section 1043 of the Charter grants rule-making powers to the Department.



The New York State Sanitary Code, in 10 NYCRR §16.1(b)(3), states that localities that have a population of more than 2,000,000 may establish their own radiation licensure requirements in place of State regulations, provided that the local requirements are consistent with Sanitary Code requirements. Section 274 of the federal Atomic Energy Act of 1954 (codified at 42 USC §2021, "Atomic Energy Act") authorizes "Agreement States" to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an "Agreement State" within the meaning of the Atomic Energy Act, and the New York City Department of Health and Mental Hygiene program is a component of the relevant Agreement.

**Statement of Basis and Purpose**

New York State is an Agreement State, meaning that New York State and the United States Nuclear Regulatory Commission (NRC) have entered into an agreement under the Atomic Energy Act through which the NRC has delegated authority to the State to regulate radioactive material at non-reactor sites within its jurisdiction.<sup>1</sup> The New York State Agreement is comprised of the regulatory programs of three agencies:

1. the New York State Department of Health,
2. the New York State Department of Environmental Conservation, and
3. the New York City Department of Health and Mental Hygiene.

Under the Agreement and section 16.1 of the State Sanitary Code, the New York City Department of Health and Mental Hygiene, through the Office of Radiological Health (ORH), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

ORH regulations for radioactive material are contained in Article 175 of the Health Code. ORH licenses and inspects radioactive materials facilities for compliance with Article 175 for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities once every 1, 2 or 3 years depending on the type of use.

Each Agreement State program is required to maintain compatibility with the NRC regulatory program. NRC Compatibility Categories A and B require that the wording of proposed State program regulatory changes should be "essentially identical", and Category C should reflect the "essential objectives" of relevant NRC regulations. The majority of the rule changes proposed here are under NRC compatibility category B.

In 2007, the NRC promulgated changes to Title 10 of the CFR as the result of an expanded definition of byproduct material. Byproduct material was initially considered material produced by nuclear reactors, and waste product created through the process of producing material for use in reactors. Through an amendment to the Atomic Energy Act, the definition of byproduct material was subsequently widened to include materials produced through a significantly different process - accelerator-produced material - and to include discrete sources of radium-226 (a naturally occurring material).

<sup>1</sup> New York State's agreement with NRC is available online at, <http://nrc-stp.ornl.gov/special/reggs/nyagreements.pdf>.

**I. Amendments for Expanded Definitions of Byproduct Material**

NRC has significantly broadened its definition of byproduct material to include a wider range of radioactive materials. Byproduct material used to be defined as:

- Material made radioactive through use of nuclear fuel in a utilization facility (most often a nuclear reactor, or a strategic military device), or
- Waste products remaining after source material (e.g., refined uranium ore) is enriched<sup>2</sup> to make it suitable for use as nuclear fuel in a reactor or as strategic military material.

The broadened definition of byproduct material in Title 10 of the CFR now includes, in addition to the above described materials, the following:

- Any discrete sources of radium-226,
- Any material which the NRC determines to pose a threat comparable to that posed by a discrete source of radium-226, or
- Material made radioactive by a particle accelerator.

Incorporating this expanded definition of byproduct material requires a number of amendments to Article 175, in particular, the following:

- §175.02 (*Definitions*) A number of definitions must be changed or added as a result of the new definition of byproduct material.
- §175.03 (*Standards for protection against radiation*) Several radioactive materials must be added to lists in appendices defining environmental release limits of radioactive material. Certain headings in these lists are to be changed.
- §175.101 (*General requirements for radioactive materials licenses*)
  - Exemptions are proposed to cover licensing of certain items containing small quantities of radioactive material.
  - Requirements are proposed to the descriptive information of material sources which an applicant for a license must provide.
  - Requirements are proposed stating that an application for a license to use certain accelerator-produced material must include a request to produce those materials or provide evidence of an existing license held by its supplier of those accelerator-produced materials.
  - Applicants who apply to use their own accelerator-produced radioactive drugs

- must provide evidence of their ability to produce those drugs.
- §175.102 (*Requirements for specific types of radioactive materials licenses*) New requirements are proposed for generally-licensed<sup>3</sup> materials regarding:
  - Labeling of products,
  - Leak testing of articles containing specified isotopes,
  - Limitations on transfer of devices, and
  - Records retention following transfer of disposal of devices.
- §175.104 (*Waste disposal*) New requirements are proposed for byproduct material regarding:
  - ultimate disposal of byproduct material at waste disposal facilities.
  - manifesting of byproduct material intended for transfer to waste disposal facilities.

<sup>2</sup> Enrichment is a process which increases the concentration in natural uranium of the isotope U-235, which is material most suitable for fuel in a utilization facility.

<sup>3</sup> A general license is a license granted to manufacturers to produce and distribute common articles which a user may possess without themselves requiring a radioactive materials license. Materials which are generally licensed include smoke detectors, EXIT signs, watches with luminous dials, etc.

**II. Exemptions from Licensing, General Licenses and Distribution of Byproduct Material: Licensing and Reporting Requirements**

NRC's expanded definition of byproduct material has affected provisions in Article 175 regarding licensing, distribution and reporting with respect to certain classes of radioactive material or articles containing such radioactive materials. In particular, changes are proposed with respect to:

- §175.101 (*General requirements for radioactive materials licenses*)
- Exempt quantities may not be aggregated to the extent that combined quantities exceed the limits for exempt amounts set forth in Schedule B of this section, except for byproduct material combined within a device placed in use before May 3, 1999, or as otherwise permitted by regulation.
- Exemptions to licensing are proposed for certain specified items.
- §175.102 (*Requirements for specific types of radioactive materials licenses*)
- New reporting requirements are proposed with respect to persons transferring radioactive material to a licensee or shipping radioactive material for export.

In response to the 2007 NRC changes to Title 10 of the CFR concerning the changed definition of byproduct material, New York City must make matching changes to Article 175 of the Health Code to remain compatible with applicable federal regulations.

The proposal is as follows:

Matter in brackets [ ] is deleted. Matter underlined is new.

**RESOLVED**, that subdivision (c) of Section 175.01 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 30, 1999, be and the same hereby is amended to update the appropriate Department mailing address, to be printed together with explanatory notes to read as follows:

**§175.01 Applicability and inapplicability, communications.**

\*\*\*

(c) *Communications.* [(1)] Except as otherwise provided for in this Code, or as authorized by the Department, all applications, notifications, reports or other communications filed pursuant to this Code shall be addressed to the Department at:

[Bureau] Office of Radiological Health  
 [2 Lafayette Street, 11th Floor] 42-09 28th Street, 14th Floor  
 [New York] Long Island City, New York [10007] 10011

Notes: The Department proposes that the Board of Health amend §175.01(c) to update the appropriate Department mailing address for the Office of Radiological Health.

**RESOLVED**, that subdivision (a) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 13, 2012, be and the same hereby is amended to add new definitions and update various other definitions to ensure compatibility with applicable federal regulations, and the paragraphs contained therein be accordingly renumbered, to be printed together with explanatory notes to read as follows:

- Paragraphs 6 through 55 are renumbered as paragraphs 7 through 56;
- Paragraphs 56 through 61 are renumbered as paragraphs 58 through 63;
- Paragraphs 62 through 76 are renumbered as paragraphs 65 through 79;
- Paragraphs 77 through 134 are renumbered as paragraphs 81 through 138;
- Paragraphs 135 through 172 are renumbered as paragraphs 140 through 177;
- Paragraphs 173 through 294 are renumbered as paragraphs 179 through 300;

**§175.02 Definitions.**

(a) As used in this Code, the following definitions shall apply:

\*\*\*  
 (6) "Act" means the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

\*\*\*  
 [(33)] (34) "Byproduct material" means:  
 (i) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or [utilizing] using special nuclear material; and

(ii) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

\*\*\*  
 (57) "Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a federal facility or a medical facility.

\*\*\*  
 (64) "Cyclotron" means a particle accelerator in which the charged particles travel in an outward spiral or circular path. A cyclotron accelerates charged particles at energies usually in excess of 10 megaelectron volts and is commonly used for production of short half-life radionuclides for medical use.

\*\*\*  
 (80) "Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

\*\*\*  
 [(161)] (165) "Particle accelerator" [(See "Accelerator").] means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt. For the purposes of this definition, "accelerator" is an equivalent term.

\*\*\*  
 (177) "Positron emission tomography (PET) radionuclide production facility" means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

\*\*\*  
 [(278)] (283) "Waste" means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste [has the same meaning as in the Low-Level Radioactive Waste Policy Act, P.L. 96-573, as amended by P.L. 99-240, effective January 15, 1986; that is,] means radioactive waste [(a) not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in [Section 11e.(2) of the Atomic Energy Act (uranium or thorium tailings and waste) and (b) classified as low-level radioactive waste consistent with existing law and in accordance with (a) by the U.S. Nuclear Regulatory Commission] subparagraphs (ii), (iii) and (iv) of the definition of "Byproduct material" set forth in this section.

\*\*\*  
 Notes: The Department proposes that the Board of Health amend §175.02(a) of the Health Code to add certain new definitions and update various other definitions to ensure compatibility with applicable federal regulations, particularly 10 CFR §§20.1003 and 30.4.

**RESOLVED**, that the names of the tables in the Note in the Introduction, the list of elements in the first chart, and the names of the tables in the second chart in Appendix B of Section 175.03 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 16, 2005, be and the same hereby is amended to update the name of Table 1 and Table 3 and add new elements to the list of elements to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

**§175.03 Standards for protection against radiation.**

\*\*\*  
**APPENDIX B**  
 ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

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 Table 1 "Occupational [Values] Exposures"

\*\*\*  
 Table 3 "Concentration for Releases to Sewerage"

LIST OF ELEMENTS					
Atomic			Atomic		
Name	Symbol	Number	Name	Symbol	Number
***					
Arsenic	As	33	Niobium	Nb	41
---	---	---	Nitrogen	N	7
Astatine	At	85	Osmium	Os	76
---	---	---	Oxygen	O	8
Barium	Ba	56	Palladium	Pd	46

Table 1	Table 2	Table 3
Occupational [Values] Exposures	Effluent Concentrations	Concentration for Releases to [Sewers] Sewerage



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Notes: The Department proposes that the Board of Health amend §175.03 of the Health Code to update certain radioactive material release limits and sections headings in Appendix B to ensure compatibility with applicable federal regulations, particularly 10 CFR Part 20 Appendix B.

**RESOLVED**, that Section 175.101 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on September 25, 2008, be and the same hereby is amended to ensure compatibility with applicable federal regulations relating to certain exempt quantities of byproduct material, to be printed together with explanatory notes, such that

- Subdivisions (a), (c), (f), (j), (m), and (n) are amended;
- Appendixes A through C are renamed Schedules A through C, respectively, and amended;
- Appendixes D and E are renamed Appendix A and C, respectively; and
- A new Appendix B is added

to read as follows:

**§175.101 General requirements for radioactive materials licenses.**

(a) *License required.* (1) (i) Except for the removal of source material from its place of deposit in nature or as otherwise provided in this Code, no person shall transfer, receive, produce, possess or use any radioactive material except pursuant to a license issued by the Department.

(ii) Except as provided in 10 CFR §§ 30.3(b)(2), (b)(3), (c)(2), and (c)(3), and for persons exempt as provided in 10 CFR § 30.3 and 10 CFR Part 150, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material unless authorized in a specific or general license issued in accordance with this Code.

\*\*\*

(c) *Exempt radioactive material other than source material.* (1) *Exempt concentrations.* (i) Except as provided in §175.101(c)(1)(ii), any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in [Appendix] Schedule A of this section.

\*\*\*

(2) *Exempt quantities.* (i) Except as provided in §175.101(c)(2)(ii),(iii) and (iv), any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity set forth in [Appendix] Schedule B of this section.

\*\*\*

(iii) No person shall, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in [Appendix] Schedule B of this section, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under §175.101(c)(2)(i) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an agreement state, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to §32.18 of 10 CFR Part 32, or by the Department, which license states that the radioactive material may be transferred by the licensee to persons exempt under §175.101(c)(2)(i) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or any agreement state.

(iv) Pursuant to title 10 of the code of federal regulations, any person who possesses byproduct material received or acquired before September 25, 1971, under the general license then provided in 10 CFR § 31.4 or similar general license of a state, is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in 10 CFR Parts 30 through 34, 36 and 39 to the extent that this person possesses, uses, transfers, or owns byproduct material.

(3) *Exempt items.* Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, or persons who initially transfer such products for sale or distribution, any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires the following products:

(i) Timepieces or timepiece hands or dials containing radium which were manufactured under a specific license issued by the Department or an agreement state and which meet the following or equivalent conditions:  
(A) The timepiece or timepiece hands or dials contain no more than the following specified quantities of radium:

\*\*\*

(e) 1.48 kBq (0.04 µCi) per clock hand; [or]  
(f) 4.44 kBq (0.12 µCi) per clock dial; or  
(g) 37 kBq (1 µCi) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.

\*\*\*

(ii) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rates:

\*\*\*

(H) 37 kBq (1 µCi) of radium-226 per timepiece in timepieces [acquired prior to September 1, 1984] manufactured prior to November 30, 2007.

\*\*\*

[(vii) Thermostat dials and pointers containing not more than 925 MBq (25 millicuries) of hydrogen-3 per thermostat.]

vii. Reserved.viii. Reserved.

\*\*\*

(x) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:  
(A) each source contains no more than one exempt quantity set forth in [Appendix] Schedule B of this section, and  
(B) each instrument contains no more than 10 exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of radioactive materials and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in [Appendix] Schedule B of this section, provided that the sum of such fractions shall not exceed unity; and  
(C) for the purposes of §175.101(c)(3)(x), 1.85 kBq (0.05 µCi) of americium-241 shall be considered one exempt quantity.

[(xi) Spark gap irradiators containing not more than 37 kBq (1 µCi) of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons (11.4 liter) per hour.]

xi. Reserved.

\*\*\*

(6) [Any person, except those who manufacture, process, or produce gas and aerosol detectors containing radioactive material, is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR §32.26, or by an agreement state pursuant to equivalent regulations.

(i) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet requirements equivalent to 10 CFR § 32.26.] Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, pursuant to title 10 of the code of federal regulations, any person is exempt from the requirements for a license set forth in section 81 of the act and from the regulations in 10 CFR Parts 19, 20, and 30 through 36, and 39 to the extent that the person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR § 32.26, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by a state under comparable provisions to 10 CFR § 32.26 authorizing distribution to persons exempt from regulatory requirements.

(f) *Applications for specific licenses.*

\*\*\*

(3) [For those applicants or licensees who are required to establish and maintain a radiation safety committee pursuant to this Code, each application or supplementary statement shall be transmitted with a letter signed by the chairman of the radiation safety committee indicating the committee's approval of the requested licensing action.] An application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must:

(i) Identify the source or device by manufacturer and model number as registered with the U.S. Nuclear Regulatory Commission under 10 CFR § 32.210, with an agreement state, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a state under provisions comparable to 10 CFR § 32.210;

(ii) Contain the information identified in 10 CFR § 32.210(c); or  
(iii) For sources or devices containing naturally occurring or accelerator-produced radioactive material manufactured prior to November 30, 2007 that are not registered with the U.S. Nuclear Regulatory Commission under 10 CFR § 32.210 or with an agreement state, and for which the applicant is unable to provide all categories of information specified in 10 CFR § 32.210(c), the applicant must provide:

(A) All available information identified in 10 CFR § 32.210(c) concerning the source, and, if applicable, the device; and  
(B) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

(4) [At any time subsequent to the filing of an application for a license, including amendments, and before the termination of a license issued in response thereto, the Department may require the applicant to submit one or more supplementary statements containing additional information to enable the Department to determine whether such application should be approved or denied, or whether a previously issued license should be amended, suspended or revoked.] An application from a medical facility, educational institution, or federal facility to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium authorized for medical use under 10 CFR Part 35 or equivalent agreement state requirements, shall include:  
(i) A request for authorization for the production of PET

radionuclides or evidence of an existing license issued under 10 CFR Part 30 or agreement state requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides;

(ii) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in 10 CFR §32.72(a)(2);  
(iii) Identification of any individual authorized to prepare the PET radioactive drugs if the applicant is a pharmacy, and documentation that any such individual meets the requirements of an authorized nuclear pharmacist as specified in 10 CFR § 32.72(b)(2); and  
(iv) Information identified in 10 CFR § 32.72(a)(3) on the PET drugs to be noncommercially transferred to members of its consortium.

\*\*\*

(j) *Emergency response plan.* (1) Each application for a license to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass and in excess of the quantities specified in [Appendix] Schedule C of this section shall include either:

\*\*\*

(2) One or more of the following factors may be used to support an evaluation submitted pursuant to §175.101(j)(1)(i):

\*\*\*

(iii) The release fraction in the respirable size range would be lower than the release fraction shown in [Appendix] Schedule C of this section due to the chemical or physical form of the material.

\*\*\*

(v) Facility design or engineered safety features in the facility would cause the release fraction to be lower than that shown in [Appendix] Schedule C of this section.

(vi) Operating restrictions or procedures would prevent a release fraction as large as that shown in [Appendix] Schedule C of this section.

\*\*\*

(k) *Conditions of specific licenses.* (1) Each of the following is hereby made a condition of each specific license:

\*\*\*

(ix) (A) Authorization under 10 CFR §30.32(j) to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, Federal, and State requirements governing radioactive drugs.

(B) Each licensee authorized under 10 CFR §30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:

(a) Satisfy the labeling requirements in 10 CFR § 32.72(a)(4) for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium; and  
(b) Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in 10 CFR § 32.72(c).

(C) A licensee that is a pharmacy authorized under 10 CFR §30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radioactive drugs: (a) an authorized nuclear pharmacist who meets the requirements in 10 CFR § 32.72(b)(2); or (b) an individual under the supervision of an authorized nuclear pharmacist as specified in 10 CFR § 35.27.

(D) A pharmacy, authorized under 10 CFR §30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of 10 CFR § 32.72(b)(5). All reports and notifications required by 10 CFR § 32.72(b)(5) shall be provided to the Department.

(x) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with 10 CFR § 35.204. The licensee shall record the results of each test and retain each record for 3 years after the record is made.

\*\*\*

(m) *Reciprocity.*

(1) The holder of a license issued by the New York State Department of Labor, the New York State Department of Health, the U.S. Nuclear Regulatory Commission or any agreement state, may bring, possess or use radioactive material covered by such license within the Department's jurisdiction for a period not in excess of [180] 30 days in any twelve consecutive months without obtaining a license from the Department, provided that:

\*\*\*

(n) *Financial assurance and recordkeeping for decommissioning.*

(1)(a) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10<sup>5</sup> times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10<sup>5</sup> is greater than one (1) (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix B to this section.

(1)(b) Each holder of, or applicant for, any specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10 times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R, as defined in §175.101(n)(1)(a), divided by 1012 is greater than one (1) (unity rule). The decommissioning funding plan must be submitted to the Department within 2 years of the effective date of this provision.

(1)(c) Each applicant for a specific license authorizing the possession and use of more than 100 mCi of source material in a readily dispersible form shall submit a decommissioning funding plan as described in §175.101(n)(5).

(1)(d) Each applicant for a specific license authorizing possession and use of quantities of source material greater than 10 mCi but less than or equal to 100 mCi in a readily dispersible form shall either:

\*\*\*

(1)(e) Each applicant for a specific license authorizing the possession and use of unsealed special nuclear material in quantities exceeding 10<sup>9</sup> times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). A decommissioning funding plan must also be submitted when a combination of isotopes is involved if R, as defined in §175.101(n)(1)(a), divided by 105 is greater than one (1) (unity rule).

\*\*\*

\*\*\*

**[APPENDIX] SCHEDULE A**

\*\*\*

Concentration of Isotope A in Product 1	Concentration of Isotope B in Product 1	# 1
+		
Exempt concentration of Isotope A	Exempt concentration of Isotope B	

Source: 10 CFR 30.70 Schedule A-Exempt concentrations.

**[ APPENDIX B  
EXEMPT QUANTITIES**

Radioactive material	Microcuries <sup>1</sup>
Americium 241	.01
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	100
Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Beryllium 7 (Be 7)	100
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2h (Eu 152 9.2h)	100
Europium 152 13 yr (Eu 152 13yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 72 (Ga 72)	10
Germanium 71 (Ga 71)	100
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H3)	1,000
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 114 (In 114)	1
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100

Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorous 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Plutonium 239	.01
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Radium 226 (Ra 226)	0.1
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulfur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125m (Te 125m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Tel 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 90 (Y 90)	10
Yttrium 91 (Y 91)	10
Yttrium 92 (Y 92)	100
Yttrium 93 (Y 93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any radioactive material not listed above other than alpha emitting radioactive material	0.1
Any alpha radionuclide not listed above or mixtures of alphaemitters of unknown composition	0.1

<sup>1</sup>To convert microcuries (mCi) to kilobecquerels (kBq), multiply microcuries by 37.]

**SCHEDULE B  
EXEMPT QUANTITIES**

Byproduct material	Microcuries <sup>1</sup>
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (as 77)	100

Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 129 (Cs 129)	100
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 57 (Co 57)	100
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2 h (Eu 152 9.2 h)	100
Europium 152 13 yr (Eu 152 13 yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 67 (Ga 67)	100
Gallium 72 (Ga 72)	10
Germanium 68 (Ge 68)	10
Germanium 71 (Ge 71)	100
Gold 195 (Au 195)	10
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H3)	1,000
Indium 111 (In 111)	100
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 123 (I 123)	100
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 52 (Fe 52)	10
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorus 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Potassium 43 (K 43)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 81 (Rb 81)	10
Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100

Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulphur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125 m (Te 125 m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 87 (Y 87)	10
Yttrium 88 (Y 88)	10
Yttrium 90 (Y 90)	10
Yttrium 91 (Y91)	10
Yttrium 92 (Y92)	100
Yttrium 93 (Y93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any byproduct material not listed above other than alpha emitting byproduct materials	0.1

<sup>1</sup> To convert microcuries (µCi) to kilobecquerels (kBq), multiply microcuries by 37.

Source: 10 CFR 30.71 Schedule B

**[APPENDIX] SCHEDULE C**

**QUANTITIES OF RADIOACTIVE MATERIAL REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE**

Radioactive material <sup>1</sup>	Release fraction	Quantity (curies) <sup>2</sup>
***		
Promethium-147	0.01	4000
Radium-226	0.001	100
***		

FOOTNOTES:

\*\*\*  
<sup>3</sup> Waste packaged in Type B containers does not require an emergency plan.

Source: 10 CFR Part 30.72 Schedule C

**APPENDIX [D] A**

\*\*\*

**APPENDIX B**

**QUANTITIES OF LICENSED MATERIAL REQUIRING LABELING**

Materials	Microcuries
Americium-241	.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10

Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 9.2h	100
Europium-152 13 yr	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molbdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Seleium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.10
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100

Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) <sup>1</sup>	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) <sup>2</sup>	100
Uranium-233	.01
Uranium-234—Uranium-235	.01
Vandium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10

Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition .01  
Any radionuclide other than alpha emitting radio-nuclides, not listed above or mixtures of beta emitters of unknown composition .1

<sup>1</sup>Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.  
<sup>2</sup>Based on alpha disintegration rate of U-238, U-234, and U-235.

Source: 10 CFR Appendix B to Part 30—Quantities of Licensed Material Requiring Labeling

**APPENDIX [E] C**

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Notes: The Department proposes that the Board of Health amend Health Code §175.101 and its Appendices and Schedules to ensure compatibility with applicable federal regulations, particularly relating to certain exempt quantities of byproduct material and 10 CFR Part 30 and its Appendices.

**RESOLVED**, that subdivision (g) of Section 175.102 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 27, 1994, be and the same hereby is amended to update requirements for certain radioactive materials licenses to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

(g) *General licenses.*

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[(4) *Certain measuring, gauging or controlling devices.* (i) A general license is hereby issued to receive, possess or use radioactive material when contained in devices used at a fixed location and designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, when such devices are manufactured or imported in accordance with the specifications contained in a specific license issued to the supplier by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, and authorizing distribution under this general license or its equivalent, provided that:

(A) such devices are labeled in accordance with the provisions of the specific license which authorizes the distribution of the devices

(B) such devices bear a label containing the following or a substantially similar statement which contain the information called for in the following statement:

*The transfer, receipt, possession or use of this device, Model<sup>2</sup> \_\_\_\_\_, Serial number<sup>2</sup> \_\_\_\_\_, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. Removal of this label is prohibited.*

CAUTION-RADIOACTIVE MATERIAL

(Name of supplier<sup>2</sup>) \_\_\_\_\_

<sup>1</sup> Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in §121.3001 of 21 CFR Part 121.

<sup>2</sup> The model, serial number, and name of supplier may be omitted from this label provided they are elsewhere specified in the labeling affixed to the device. ]

(4) *Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.*

(i) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of subparagraphs (ii), (iii) and (iv) of this paragraph, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring,



gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(ii)(A) The general license in subparagraph (i) of this paragraph applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:

(a) A specific license issued under 10 CFR §32.51;

(b) An equivalent specific license issued by an agreement state; or

(c) An equivalent specific license issued by a state with provisions comparable to 10 CFR §32.51.

(B) The devices must have been received from one of the specific licensees described in clause (ii)(A) of this section or through a transfer made under clause (iii)(I) of this paragraph.

(iii) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in subparagraph (i) of this section:

(A) Shall assure that all labels affixed to the device at the time of receipt remain affixed, and bearing a statement that removal of the label is prohibited, and must comply with all instructions and precautions provided by such labels;

(B) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six month intervals or as frequently as is specified in the label; however:

(a) Devices containing only krypton need not be tested for leakage of radioactive material, and

(b) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material, and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(C) Shall assure that the tests required by clause (iii)(B) of this paragraph and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed;

(a) In accordance with the instructions provided by the labels; or

(b) By a person holding a specific license pursuant to Parts 30 and 32 of 10 CFR or from an agreement state to perform such activities;

(D) Shall maintain records showing compliance with the requirements of clauses (iii)(B) and (iii)(C) of this paragraph. The records must show the results of tests. The records also must show the dates of performance of, and the names of persons performing, testing, installing, servicing, and removing from the installation radioactive material and its shielding or containment. The licensee shall retain these records as follows:

(a) Each record of a test for leakage of radioactive material required by clause (iii)(B) of this paragraph must be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of.

(b) Each record of a test of the on-off mechanism and indicator required by clause (iii)(B) of this paragraph must be retained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of.

(c) Each record that is required by clause (iii)(C) of this paragraph must be retained for three years from the date of the recorded event or until the device is transferred or disposed of.

(E) Shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 bequerel (0.005 microcurie) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued under parts 30 and 32 or by an agreement state. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the byproduct material in the device or as otherwise approved by the U.S. Nuclear Regulatory Commission. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material, or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Department by the licensee within 5 days as required by §175.03(1)(7). Upon such a failure, damage, or possible indication of failure or damage, the Department may determine to apply the criteria set out in 10 CFR §20.1402;

(F) Shall not abandon the device containing byproduct material;

(G) Shall not export the device containing byproduct material except in accordance with 10 CFR Part 110;

(H)(a) Except as provided in item (iii)(H)(c) of this paragraph, shall transfer or dispose of the device containing byproduct material only by: export as provided by clause (iii)(G) of this paragraph; transfer to another general licensee as authorized in clause (iii)(I) of this paragraph; transfer to a person authorized to receive the device by a specific license issued under Parts 30 and 32 of 10 CFR; transfer to a person authorized to collect waste under Part 30 of 10 CFR or the equivalent regulation of an agreement state; or transfer as otherwise approved under item (iii)(H)(c) of this paragraph.

(b) Shall, within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Department. The report must contain: (I) The identification of the device by the manufacturer's (or initial transferor's) name, model number, and serial number;

(II) The name, address, and license number of the person receiving the device (license number not applicable if exported); and

(III) The date of the transfer.

(c) Shall obtain written Department approval before transferring the device to any licensee not specifically identified in item (iii)(H)(a) of this paragraph; however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if the holder:

(I) Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(II) Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by clause (iii)(A) of this paragraph) so that the device is labeled in compliance with 10 CFR § 20.1904; however the manufacturer, model number, and serial number must be retained;

(III) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

(IV) Reports the transfer under item (iii)(H)(b) of this paragraph.

(I) Shall transfer the device to another general licensee only if:

(a) The device remains in use at a particular location. In this case, the transferor must give the transferee a copy of this section, copies of 19 CFR §§ 20.2201, 20.2202, 30.51, and 31.2, and any safety documents identified in the label of the device. Within 30 days of such a transfer, the transferor shall report to the Department:

(I) The manufacturer's (or initial transferor's) name;

(II) The model number and the serial number of the device transferred;

(III) The transferee's name and mailing address for the location of use; and

(IV) The name, title, and phone number of the responsible individual identified by the transferee in accordance with clause (iii)(L) of this paragraph to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(b) The device is held in storage in the original shipping container by an intermediate person at its intended location of use prior to initial use by a general licensee.

(J) Shall comply with the provisions of 10 CFR §§ 20.2201 and 20.2202 for reporting radiation incidents, theft or loss of licensed material, but pursuant to title 10 of the code of federal regulations, is exempt from the other requirements of 10 CFR Parts 19, 20, and 21.

(K) Shall respond to written requests from the Department or U.S. Nuclear Regulatory Commission to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it must, within that same time period, request more time to supply the information by providing a written justification for the request to the Department.

(L) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, must ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

(M)(a) Except as provided in item (iii)(M)(d) of this paragraph, shall register, in accordance with items (iii)(M)(b) and (c) of this paragraph, devices containing at least 370 megabecquerels (10 millicuries) of cesium-137, 3.7 megabecquerels (0.1 millicurie) of strontium-90, 37 megabecquerels (1 millicurie) of cobalt-60, 3.7 megabecquerels (0.1 millicurie) of radium-226, or 37 megabecquerels (1 millicurie) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label.

Each address for a location of use, as described under subitems (iii)(M)(c)(IV) of this paragraph, represents a separate general licensee and requires a separate registration and fee as specified in this Code.

(b) If in possession of a device meeting the criteria of item (iii)(M)(a) of this paragraph, must register these devices annually with the Department and must pay the fee required by §5.07 of this Code. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Department. The registration information must be submitted to the Department within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of item (iii)(M)(a) of this paragraph is subject to the bankruptcy notification requirement in 10 CFR § 30.34(h) and §175.101(k)(1)(vi).

(c) In registering any device meeting the criteria listed in item (iii)(M)(a) of this paragraph, the general licensee must furnish the following information and any other information specifically requested by the Department: (I) Name and mailing address of the general licensee.

(II) Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).

(III) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under clause (i)(L) of this paragraph.

(IV) Address or location at which each device is used or stored. For portable devices, the address of the primary place of storage.

(V) Certification by the responsible representative of the general licensee that the information concerning each device has been verified through a physical inventory and checking of label information.

(VI) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(d) A person generally licensed by an agreement state with respect to any device meeting the criteria in item (iii)(M)(a) of this paragraph are not subject to the registration requirements of this clause if the device is used in an area subject to NRC jurisdiction for less than 180 days in any calendar year. The Department will not request registration information from such a licensee.

(N) Shall report any change to the mailing address for the location of use (including change in name of general licensee) to the Department within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.

(O) May not hold any device that is not in use for longer than 2 years. When any device with shutters is not being used, the shutter must be locked in the closed position. The testing required by clause (iii)(B) of this paragraph need not be performed during a period of storage only. However, when a device is put back into service or transferred to another person, and has not been tested within the required test interval, it must be tested for leakage before use or transfer, and the shutter tested before use. Any devices kept in standby for future use is excluded from the two-year time limit in this clause if the general licensee performs quarterly physical inventories of any such device while it is in standby.

(iv) The general license in subparagraph (i) of this paragraph does not authorize the manufacture or import of devices containing byproduct material.

(5) Labeling of devices

(i) (A) Each person licensed under 10 CFR § 32.57 shall affix to each source, or storage container for the source, a label which contains sufficient information relative to safe use and storage of the source and includes the following statement, or a substantially similar statement which contains the information called for in the following statement:

(B) "The receipt, possession, use, and transfer of this source,

Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS AMERICIUM-241 (or RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor)"

(C) such devices shall be installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, if a label affixed to the device at the time of receipt states that installation by a specific licensee is required. This requirement does not apply while devices are held in storage in the original shipping container pending installation by a specific licensee.

(ii) Persons who receive, possess or use a device pursuant to the general license [of §175.102(g)(3)(i)] issued under this subdivision:

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(D) shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the radioactive material on the premises of the general licensee and thereafter at least every six (6) months or at such longer intervals not to exceed three (3) years as are specified in the label required by [§175.102(g)(3)(i)(A)] §175.102(g)(5)(i)(A) provided, that devices containing only krypton-85 need not be tested for leakage, and devices containing only hydrogen-3 need not be tested for any purpose;

(E) shall have all the tests required by [§175.102(g)(3)(ii)(D)] §175.102(g) and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person duly authorized by a specific license issued by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, to manufacture, install or service such devices;

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[(4)] (6) *Luminous safety devices for aircraft.*

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[(5)] (7) *Calibration and reference sources.*

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[(6)] (8) *Ice detection devices.*

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(9) Certain items and self-luminous products containing radium-226.

(i) A general license is hereby issued to any person to acquire, receive, possess, use, or transfer, in accordance with the provisions of subparagraphs (i), (ii), and (iii) of this paragraph, radium-226 contained in the following products manufactured prior to November 30, 2007.

(A) Antiquities originally intended for use by the general public. For the purposes of this clause, "antiquities" means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

(B) Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), noncontact timepieces, and timepiece hands and dials no longer installed in timepieces.

(C) Luminous items installed in air, marine, or land vehicles.

(D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time.

(E) Small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. For the purposes of this clause, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources, static eliminators, or other items as designated by the U.S. Nuclear Regulatory Commission.

(ii) Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in subparagraph (i) of this paragraph are exempt from the applicable provisions of this Code, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption does not apply to any such person specifically licensed under this Code.

(iii) Any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in subparagraph (i) of this paragraph:

(A) Shall notify the Department and the U.S. Nuclear Regulatory Commission if there is any indication of possible damage to the product that appears as if it could result in a loss of the radioactive material. A report containing a brief description of the event and the remedial action taken, must be furnished to the Department and to the Director of the Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days.

(B) Shall not abandon or dispose of products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to 10 CFR § 20.2008 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the Department.

(C) Shall not export products containing radium-226 except in accordance with 10 CFR Part 110.

(D) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal, state or City solid or hazardous waste law, including the federal Solid Waste Disposal Act, by transfer to a person authorized to receive radium-226 by a specific license issued under §175.101 of this Code, or equivalent regulations of U.S. Nuclear Regulatory Commission or of an agreement state, or as otherwise approved by the U.S. Nuclear Regulatory Commission.

(E) Shall respond to written requests from the Department or the U.S. Nuclear Regulatory Commission to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Department or the U.S. Nuclear Regulatory Commission a written justification for the request.

(iv) The general license in subparagraph (i) of this paragraph does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

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Notes: The Department proposes that the Board of Health

amend Health Code §175.102 to ensure compatibility with applicable federal regulations, particularly relating to specific types of licenses and certain exempt quantities of byproduct material and 10 CFR Part 31.

**RESOLVED**, that subdivision (d) of Section 175.103 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 23, 2011, be and the same hereby is amended to update internal cross-references for medical use of certain radioactive materials to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

(d) *Unsealed Byproduct Material—Written Directive Not Required.*

(1) *Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required.* Except for quantities that require a written directive under §175.103(e)(1)(b)(6) of this Code, a licensee may use any unsealed byproduct material prepared for medical use for uptake, dilution, or excretion studies that is—

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(2) *Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required.* Except for quantities that require a written directive under §175.103(e)(1)(b)(6) of this Code, a licensee may use any unsealed byproduct material prepared for medical use for imaging and localization studies that is—

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Notes: The Department proposes that the Board of Health amend Health Code §175.103 to update internal cross-references for medical use of certain radioactive materials to ensure internal accuracy and compatibility with applicable federal regulations.

**RESOLVED**, that subdivisions (a) and (f) Section 175.104 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be and the same hereby is amended to ensure compatibility with applicable federal regulations relating to waste disposal of byproduct material, to be printed together with explanatory notes to read as follows:

(a) *General requirements.* (1) A licensee shall dispose of licensed material only:

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(iv) as authorized [pursuant to §175.104(b), (c), (d) or (e)] under 10 CFR §§ 20.2002, 20.2003, 20.2004, 20.2005, or 20.2008.

(2) A person shall be specifically licensed to receive waste containing licensed material from other persons for:

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(v) [storage until transferred to a storage or disposal facility authorized to receive the waste] disposal at a geologic repository under 10 CFR Parts 60 or 63.

(3)(i) The licensed material that is described in subparagraphs (iii) and (iv) of the definition of byproduct material set forth in paragraph (34) of §175.02, may be disposed of in accordance with 10 CFR Part 61 or the equivalent regulations of an agreement state, even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under 10 CFR Part 61 must meet the requirements of 10 CFR § 20.2006.

(ii) A licensee may dispose of byproduct material described in subparagraphs (iii) and (iv) of the definition of byproduct material set forth in paragraph (34) of §175.02, at a disposal facility authorized to dispose of such material in accordance with any federal, state or City solid or hazardous waste law, including the federal Solid Waste Disposal Act, as authorized under the federal Energy Policy Act of 2005.

[(3)] (4) A licensee or applicant for a license shall obtain any permits required by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 380, or any successor law or regulation.

[(4)] (5) A licensee or applicant for a license shall develop, document and implement a discharge minimization program required by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Section 380-7, or any successor law or regulation.

(f) *Transfer for disposal and manifests.*

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(5) Any licensee shipping byproduct material described in the definition of byproduct material set forth in subparagraphs (iii) and (iv) of paragraph (34) of §175.02, intended for ultimate disposal at a land disposal facility licensed under 10 CFR Part 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with 10 CFR Part 20, Appendix G.

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Notes: The Department proposes that the Board of Health amend Health Code §175.104 to ensure compatibility with applicable federal regulations, particularly relating to waste disposal of byproduct material and

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**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Disposal of Nuclear Waste from Medical Facilities Amendments (Health Code Article 175)**

**REFERENCE NUMBER: 2013 RG 009**

**RULEMAKING AGENCY: Department of Health and Mental Hygiene**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: April 5, 2013  
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Disposal of Nuclear Waste from Medical Facilities Amendments (Health Code Article 175)**

**REFERENCE NUMBER: DOHMH-27**

**RULEMAKING AGENCY: DOHMH**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro Date: April 8, 2013  
Mayor's Office of Operations

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#### NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to comment on proposed amendment of §3.12 (Administrative Tribunal and Environmental Control Board proceedings) and §151.05 of the New York City Health Code, relating to service of notices of violation returnable to the Environmental Control Board.

**Date / Time:** May 23, 2013/ 10:00 A.M. to 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
2 Gotham Center, 14th Floor, Room 14-34  
42-09 28th Street  
Long Island City, NY 11101-4132

**Contact:** Rena Bryant  
(347) 396-6071

#### Proposed Amendment

Pursuant to the authority vested in the Board of Health ("Board") by §558(b) and (c) of the New York City Charter ("Charter"), and in accordance with §§556, 558, 1043 and 1046 of the Charter, the Department of Health and Mental Hygiene ("Department") is proposing that the Board of Health amend §3.12 (c) and §151.05 (b) of the Health Code relating to service of notices of violation returnable to the Environmental Control Board. This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

#### Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene  
Board of Health  
Attention: Rena Bryant, Secretary to the Board  
2 Gotham Center, 14th Floor, Room 14-15, Box 31  
Long Island City, NY 11101-4132

or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) or by email to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) or online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., on May 23, 2013.

- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at (347) 396-6071 by May 9, 2013.
- Copies of written comments and a transcript of oral comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at:

New York City Department of Health and Mental Hygiene  
Board of Health  
Attention: Rena Bryant, Secretary to the Board  
2 Gotham Center, 14th Floor, Room 14-15, CN 31  
Long Island City, NY 11101-4132

- The Department's general policy is to make written comments available for public viewing on the internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>.

#### Statement of Basis and Purpose

*Statutory Authority*

These amendments to the New York City Health Code (the "Health Code") are issued in accordance with §§556, 558,

1043 and 1046 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with authority to regulate all matters affecting health in the city of New York. Paragraphs (b) and (c) of §558 of the Charter empower the Board of Health (the "Board") to amend the Health Code and provide how the Health Code will be enforced. Section 1043 of the Charter gives the Department rulemaking powers and §1046 authorizes City agencies to adopt rules governing adjudications.

#### Background of Amendments

On November 2, 2010, New York City voters approved Charter revisions including an amendment authorizing the Mayor, by Executive Order, to consolidate certain administrative tribunals into OATH. In addition, the Charter amendment required the establishment of a committee whose mandate was to recommend which tribunals or types of cases should be transferred to OATH. The Mayor's Committee on Consolidation of Administrative Tribunals ("Mayor's Committee") issued its "Report and Recommendations," dated June 7, 2011, containing an Appendix with recommended modifications to rules of the various tribunals ("Report" and "Appendix").

By Executive Order No. 148 (June 8, 2011) (the "Executive Order"), the Mayor ordered the "transfer of the administrative tribunals established by the Board of Health pursuant to Section 558 of the Charter" to OATH, effective July 3, 2011. According to the Executive Order, certain provisions of the Health Code and other Rules of the City of New York pertaining to the Department's Administrative Tribunal, as well as some additional interim procedures, would be deemed interim rules of OATH in accordance with the Mayor's Committee's Report and Appendix. These provisions, rules, and procedures, were designated interim rules until OATH itself completed official rulemaking in accordance with the Charter.

At its meeting on December 13, 2011, the Board adopted a Resolution repealing Article 7 ("Administrative Tribunal") of the Health Code, and amending other provisions of the Health Code that refer to Article 7 and/or the Administrative Tribunal. Certain provisions of Article 7 survived the transfer to OATH and were added to Article 3 ("General Provisions") of the Health Code. These provisions, incorporated in a new §3.12 ("Administrative Tribunal") became effective July 20, 2012 when the OATH rules for the OATH Health Tribunal became effective.

Section 3.12 of the Health Code was further amended by the Board at its June 12, 2012 meeting (also made effective July 20, 2012) to provide for service of notices of violations (NOVs) returnable to the Environmental Control Board (ECB) ("Administrative Tribunal and Environmental Control Board proceedings"), which under the Charter has concurrent jurisdiction with the former Administrative Tribunal to adjudicate NOVs issued for violations of the Health Code. ECB's rules provide that NOVs returnable to ECB that are not served personally pursuant to Charter §1049-a(d)(2) may be served "alternatively as provided by the statute, rule or other provision of law governing the violation alleged." 48 RCNY §3-31 (c).

As amended, Health Code §3.12 (c) currently provides that NOVs returnable to ECB may be served personally, or by any form of mail delivery "that provides proof of mailing and receipt." Health Code §151.05, which was adopted by the Board on March 15, 2011 and provides for hearing of NOVs returnable to ECB, similarly requires proof of mailing and receipt. The Department has been serving NOVs returnable to ECB by US Postal Service (USPS) first class mail. Although no return receipt is provided with this method of mailing, a uniquely numbered certificate of mailing provided by the USPS was used to track delivery. Until recently, the USPS website reported the actual address where the NOV was delivered and the date and time of its delivery when the number of the certificate of mailing was entered online. The USPS website, however, no longer provides address-specific information, but only the zip code where the mail was delivered. Because Health Code §3.12 (c) currently requires proof of receipt of the NOV, ECB has advised the Department that NOVs mailed this way will be dismissed if service of the NOV is challenged by the respondent. The dismissals will be automatic and occur even though respondents receive their NOVs and appear at their hearings. The Department is proposing that the Board further amend §3.12 (c) and §151.05 (b) to delete the requirement that it prove receipt of an NOV as an essential element of service to avoid these dismissals.

City agencies are authorized by §1046(b) of the Charter to make rules governing service of notices of adjudicatory hearings, as well as other elements of such proceedings; how notice is to be proved is not specified.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

The resolution is as follows:

Deleted material is in [brackets]; new text is underlined.

**RESOLVED**, that paragraph (2) of subdivision (c) of §3.12 of Article 3 (General Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes as follows:

#### §3.12 Administrative Tribunal and Environmental Control Board proceedings.

\* \* \*  
(c) *Service of notices of violations returnable to the Environmental Control Board.*

(1) *Personal service.* Notices of violation returnable to the Environmental Control Board may be served in person upon (i) the person alleged to have committed the violation, (ii) the permittee or registrant, (iii) the person who was required to hold the permit or to register, (iv) a member of the partnership or other group concerned, (v) an officer of the corporation, (vi) a member of a limited liability company, (vii) a management or general agent, or (viii) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business, or institution charged.

(2) *Service by mail.* Notices of violation returnable to the Environmental Control Board may be served by [certified or registered] mail [through] deposited with the U.S. Postal Service, or [by any type of mail utilizing] any other mailing service [that provides proof of mailing and receipt,] to any such person at the address of the premises that is the subject of the NOV or, as may be appropriate, at the residence or business address of (i) the alleged violator, (ii) the individual who is listed as the permittee or applicant in the permit issued by the Board or the Commissioner or in the

application for a permit, or (iii) the registrant listed in the registration form. In the case of service by mail, documentation of [delivery or receipt provided by the delivery or] mailing [service is] is sufficient proof of service of the notice of violation.

\* \* \*  
Notes: Paragraph (2) of subdivision (c) of §3.12 was amended by resolution adopted XX, to clarify that mail service of notices of violation returnable to the Environmental Control Board is sufficient if proof of mailing alone is shown.

RESOLVED, that subdivision (b) of §151.05 of Article 151 (Rodents, Insects and Other Pests) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes as follows:

#### §151.05 Notices of violation.

(b) *Service of a notice of violation.* A notice of violation shall be served by delivery to an owner or other person in control of property or premises, upon a member of the partnership, limited liability company or other group, upon an officer, director or managing agent of a corporation, or upon any other person of suitable age and discretion owning or in control of such property. Service may be made to such person(s) at the address of the premises that is the subject of the NOV or at such person's last known residence or business address,

(1) By personal delivery in accordance with Article 3 of the New York Civil Practice Law and Rules or Article 3 of the Business Corporations Law; or

(2) By [certified or registered] mail delivered by the U.S. Postal Service or by any other type of mailing [or delivery] service, [that provides proof of mailing or receipt by the respondent.] Documentation of [delivery or receipt provided by the delivery or] mailing [service] shall be sufficient proof of service of the notice of violation.

Notes: Paragraph 2 of subdivision (b) of §151.05 was amended by resolution adopted XXX to clarify that mail service of notices of violation returnable to the Environmental Control Board is sufficient if proof of mailing alone is shown.

NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087

#### CERTIFICATION PURSUANT TO CHARTER §1043(d)

**RULE TITLE:** Amendment of Rules Governing Service of Notices of Violation (Health Code Article 3)

**REFERENCE NUMBER:** 2012 RG 086

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- is drafted so as to accomplish the purpose of the authorizing provisions of law;
- is not in conflict with other applicable rules;
- to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: December 3, 2012  
Acting Corporation Counsel

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400

#### CERTIFICATION/ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

**RULE TITLE:** Amendment of Rules Governing Service of Notices of Violation (Health Code Article 3)

**REFERENCE NUMBER:** 2012 RG 086

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- Is understandable and written in plain language for the discrete regulated community or communities;
- Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Hunter Gradie Date: December 4, 2012  
Mayor's Office of Operations

☛ a22

#### NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to Comment on Proposed Amendment of Article 5 (General Permit Provisions) of the New York City Health Code (Title 24 of the Rules of the City of New York)

**Date / Time:** May 23, 2013 / 2:00 P.M. to 4:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
Gotham Center, 14th Floor, Room 14-44  
42-09 28th Street  
Long Island City, NY 11101-4132

**Contact:** Rena Bryant  
New York City Department of Health and Mental Hygiene  
Board of Health  
Secretary to the Board  
Gotham Center, 14th Floor, WS 14-55, Box 31  
Long Island City, NY 11101-4132  
(347) 396-6071

#### Proposed Rule

The Department of Health and Mental Hygiene ("the Department") is proposing that the Board of Health amend Article 5 of the Health Code as follows:

- To add a new §5.04 to authorize the Department, after providing an opportunity to be heard, to padlock and seal any premises in which a business is operating without a permit required by the Health Code; and
- To amend §5.05(d) to require that every applicant for a new or renewal permit issued by the Department provide the Department with an e-mail address for non-emergency communications.

#### Instructions

- You may pre-register to speak at the hearing by contacting Rena Bryant at the address or phone number above before May 23, 2013.
- The Department will also consider written comments that it receives about the proposed amendment. Written comments must be received by the Department on or before the date of the hearing. Written comments can be mailed to Rena Bryant at the address above. They may also be submitted by e-mail to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov) or posted electronically (without attachments) at either <http://www.nyc.gov/html/doh/html/about/notice.shtml> or through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- To request a sign language interpreter or any other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number above by May 9, 2013.
- Copies of written comments and a transcript of oral comments received at the hearing will be available within a reasonable time after the hearing transcript becomes available, between the hours of 9:00 A.M. and 5:00 P.M. and at the contact address above.
- The Department's general policy is to make written comments available for public viewing on the Internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/comment/comment.shtml>.

#### STATEMENT OF BASIS AND PURPOSE

##### Statutory authority

This amendment to the New York City Health Code (the "Health Code") is issued in accordance with §§ 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with the authority to regulate all matters affecting health in the City of New York. Sections 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

##### Basis and purpose of the changes

#### 1. Adding a new §5.04 re: operation without a permit.

The Department requests that the Board amend Article 5 of the Health Code to add a new §5.04, authorizing the Department to padlock and seal premises where businesses are operating without required permits. The term permit, as defined in §5.03(b) of the Health Code, includes licenses and registrations.

Several times a year, the Department identifies businesses operating without the permits required by the Health Code. These businesses include swimming pools and spas, pet shops, food service establishments, animal shelters, animal grooming and kennel facilities and commercial stables. The Department regards such businesses, which are unregulated and uninspected, as nuisances, inherently dangerous to life or health. The definition of a nuisance and the Department's authority to order the abatement of a nuisance derive from New York City Administrative Code ("Administrative Code") §17-142 *et seq.*

Currently, if the Department identifies an unpermitted business and determines that the operators of the business are unwilling to obtain the necessary permit, it orders the operators of the business to cease and desist operation. The Department also orders the owners of the building in which the business is located to take whatever measures may be necessary to prohibit the operation of the unpermitted business on their property. If the business continues to operate without obtaining a necessary permit, the Department schedules a hearing at the City Office of Administrative Trials and Hearings (OATH) Tribunal, where the business operator and property owner may show cause why the Department should not padlock and seal the premises, pursuant to the Department's nuisance abatement authority under Administrative Code §17-145.

The proposed amendment to Article 5 will codify this current practice in the Health Code, providing notice to businesses of the likely consequences of operating without necessary permits or in violation of orders to cease and desist operation, and enabling the Department to continue acting expeditiously to protect public health. This remedy will be utilized only when the Department has conducted a thorough investigation and has exhausted less stringent measures to obtain compliance with permitting or other Health Code requirements, such as meetings, telephone calls or correspondence with the operator of an unpermitted business or the property owner.

#### 2. Amending §5.05(d) re: requiring e-mail addresses for non-emergency communications.

Health Code §5.05(c) requires a permit application to contain all information required by the Department. In December 2011, as part of an extensive revision of Article 5 ("General Permit Provisions") of the Health Code, §5.05(d) was amended to require permit applicants to provide in their applications for new and renewal permits an "[e]-mail address and other information to enable the Department to

contact the permitted entity in an emergency." This addition was made in response to a comment received from the New York State Restaurant Association on earlier revisions to Article 81 ("Food Preparation and Food Establishments") of the Health Code that stated:

We suggest that the Department develop a system to collect the email addresses of DOH permit holders, FSE owners and their agents. This system could be used [as] a vehicle for the DOH to disseminate important information regarding permit renewals, changes to the Health Code, public hearings and other important information.

The Department agrees with the New York State Restaurant Association that all permittees would benefit from e-mail notifications and should be required to provide e-mail addresses. Thus, the Department is proposing that the Board broaden Health Code §5.05(d) to allow the Department to collect and use e-mail addresses from all permittees to send them information about non-emergency matters, such as newsletters generally promoting food and environmental safety, proposed Health Code changes, and other issues of educational and technical interest to permittees in the many areas regulated by the Department. As required under applicable laws, the Department will continue to mail and personally serve letters denying issuance of new permits, Commissioner's orders, notices of violation, and permit or license renewal applications; and will continue to publish proposed amendments to the Health Code.

E-mail is a medium that provides for the immediate and timely, but also cost-efficient, communication of educational materials, information on rule changes, and other important notices. Electronic communication conserves increasingly limited staff resources and saves considerable amounts of money in mailing and reproduction costs. Such communication aids the Department in protecting and promoting the health of all New Yorkers, and helps it foster productive working relationships with regulated businesses.

The Department's Bureau of Child Care already uses electronic communication to notify permittees of proposed Health Code amendments as well as changes in policies, reporting requirements, and other information affecting a permittee's operation of a child care service. The Bureau has required applicants for new and renewal child care service permits to provide "proof of the service's ability to receive electronic communications" since September 2009, when the Board amended Article 47 of the Health Code. Health Code §§ 47.09(a) and (c) require e-mail addresses for the child care service's education director and for one or more other persons designated by the service permittee to receive electronic communications from the Department.

Finally, the Department does not expect this proposed change to overly burden permittees and applicants for new permits. During the week of January 7, 2013, the Department surveyed applicants at the Citywide Licensing Center for Department restaurant permits and found that 57 of the 65 surveyed persons had an e-mail address; and that 49 had used both computers and mobile phones (n=39) to access e-mail for business communications during the past five days, or used either computers (n=5) or a mobile phone (n=1) for the same purpose. Although several persons said they had no interest in obtaining an e-mail address, others said that they could obtain one if they needed it, knew that they would be able to set up a free e-mail account with an internet service provider, and could access their e-mail through family or friends or at nearby public libraries if they were required to have an e-mail address.

Accordingly, the Department requests that the Board amend §5.05(d) of the Health Code to clarify that communication other than emergency messages may be conveyed by e-mail to permitted entities.

Statement pursuant to Charter §1043. The proposed amendments were inadvertently omitted from the Department's FY 2013 Regulatory Agenda because the need for the amendments was not known at the time the Regulatory Agenda was promulgated.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

The resolution is as follows:

Matter to be deleted is in brackets [ ]

New matter is underlined

RESOLVED, that Article 5 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended, to add a new §5.04 to be printed together with explanatory notes as follows:

#### §5.04 Operating without a permit; sanctions.

(a) Operation without a permit deemed a nuisance. Operating a business or conducting an activity regulated by the Health Code ("Code") without the permit required by the Code is hereby declared a nuisance.

(1) No person may operate a business or conduct an activity regulated by the Code without the permit required by the Code.

(2) No person may allow the operation of a business or conducting of an activity regulated by the Code in any property owned by such person unless the person operating such business or conducting such activity has a permit required by the Code.

(b) Order to cease and desist. When the Department determines that a business or activity regulated by the Code is being operated or conducted without the permit required by the Code, the Commissioner or designee may order the person operating the business or conducting the activity to cease and desist from such business or activity. The Department may also order the person who owns the premises in which the business is operated or activity is conducted to take whatever action may be necessary to prohibit such business or activity from continuing on such premises.

(c) Sealing and padlocking. If the business or activity ordered to cease and desist continues without the required permit, the Commissioner or designee may, after providing a hearing at the City Office of Administrative Trials and Hearings (OATH) for the person operating such business or conducting such activity and the owner of the premises, take any measure authorized by the Code or other applicable law to enforce an order to cease and desist. Such measures may include, but are not limited to, ordering and arranging for the premises to be sealed and padlocked.



Notes: \$5.04 was added to Article 5 by resolution adopted by the Board of Health on XXX to provide notice to persons operating a business or conducting an activity without a permit required by the Code, that such business or activity is deemed a nuisance and is subject to padlocking and sealing if the operators do not cease and desist from such business or activity.

RESOLVED, that \$5.05 of Article 5 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes as follows:

**§5.05 Applications.**

(d) *Application contents.* [The] In addition to the following information, the application shall be accompanied by such other information, evidence or documentation as the Department may require or as may be provided for in this Code or other applicable law enforced by the Department, including but not limited to the following. The application shall, at a minimum, include:

- (1) The name, age, gender, residence and business address, and telephone numbers of the permittee, each member of partnership, limited liability company or group, and each officer of the corporation, as applicable.
- (2) The ability of the permittee, or of its individual members or officers, to read and write English.
- (3) To the extent that such information is relevant to the conduct of the business, trade, occupation or other activity under permit, information concerning the permittee, its individual members or officers, relating to education, training or experience, moral character, physical health, addiction to alcohol or habit-forming drugs, history of prior criminal conviction, including violations and offenses, history of mental illness, and record of insolvency or bankruptcy.
- (4) Proof of current Workers' Compensation and Disability Benefits insurance coverage for all employees, or of a certificate of exemption filed with the Workers' Compensation Board.
- (5) [E-mail address and other information to enable the Department to contact the permitted entity in an emergency.] The e-mail address of (i) the individual owner of the permitted business, (ii) the person exercising daily management and control of the permitted business, or (iii) the person who is authorized by law to accept service of process on behalf of the permittee.
- (6) Any information that the Department determines may be necessary in order to contact the permittee in the event of an emergency.

Notes: Paragraph (5) of subdivision (d) was amended by resolution adopted on XXX to require that every applicant for a Department permit provide an e-mail address for the owner or another person responsible for the management and control of the business or activity.

RESOLVED, that the Table of Section Headings in Article 5 (General Permit Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended to be printed together with explanatory notes to read as follows:

**ARTICLE 5  
GENERAL PERMIT PROVISIONS**

- §5.01 Scope.**
- §5.03 Definitions.**
- §5.04 Operating without a permit; sanctions.**
- §5.05 Applications.**
- \*\*\*
- §5.21 Appeal to Board; stay of action.**

Notes: Article 5 was further amended by resolution adopted on XXX to add a new §5.04 to provide notice to persons operating a business or conducting an activity without a permit required by the Code, that such business or activity is deemed a nuisance and is subject to padlocking and sealing if the operators do not cease and desist from such business or activity.

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Padlocking of Premises Operating without Permit and E-mail Address Requirement for Permit Applicant**

**REFERENCE NUMBER: 2013 RG 011**

**RULEMAKING AGENCY: New York City Department of Health and Mental Hygiene**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: April 5, 2013  
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Padlocking of Premises Operating without Permit and E-mail Address Requirement for Permit Applicant**

**REFERENCE NUMBER: DOHMH - 28**

**RULEMAKING AGENCY: Department of Health and Mental Hygiene**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Hunter Gradie April 5, 2013  
Mayor's Office of Operations Date

**SPECIAL MATERIALS**

**OFFICE OF THE MAYOR**

**OFFICE OF CONTRACT SERVICES**

**NOTICE**

Notice of Intent to Issue New Solicitation Not Included in FY 2013 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation not included in the FY 2013 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Information Technology & Telecommunications  
Nature of services sought: Managed Services for Citywide Standby Information Technology and Telecommunications Consultants  
Start date of the proposed contract: 7/1/13  
End date of the proposed contract: 6/30/14  
Method of solicitation the agency intends to utilize: Intergovernmental  
Personnel in substantially similar titles within agency: This is a task order contract that does not simultaneously result in the award of a first task order; therefore, this information will be determined in conjunction with the issuance of each task order pursuant to this contract.  
Headcount of personnel in substantially similar titles within agency: To be determined (see above).

**LATE NOTICES**

**ECONOMIC DEVELOPMENT CORPORATION**

**SOLICITATIONS**

*Goods & Services*

**STONE CONSERVATION AT PROSPECT CEMETERY IN JAMAICA, QUEENS, N.Y.** – Public Bid – PIN# 04222013 – DUE 05-14-13 AT 4:00 P.M. – Bidders must have a minimum of five (5) year successful experience in projects of similar scale and sensitivity.

The project is being funded in part by grants from both the State of New York (NYS) and the City of New York (NYC). It is the policy of NYS and NYC to encourage the greatest possible participation of minority and women-owned businesses enterprises in State-funded projects. The General Contractor, by bidding on the contract, acknowledges his/her understanding and support for this policy and pledges to cooperate fully with the Owner of the Project and its agents in meeting all requirements as set forth in the Bidding and Contract Documents.

There will be a mandatory pre-bid meeting at 10:00 A.M. on April 30, 2013 at the Project Location, Prospect Cemetery, 94-14 159 51 Street, Jamaica, NY 11432. The Bid Documents may be picked up at the Greater Jamaica Development Corporation for the cost of \$50.00. Participating bidders are required to attend this meeting in order for bids to be considered and accepted. Additional site inspection can be arranged during the period of May 1st thru May 9th by contacting Mr. Dan Allen or Matthew Jenkins at (212) 243-7404.

Any questions regarding the Project or the Bid must be submitted to the architect by May 7, 2013. The answers will be issued by May 5, 2013.

The Greater Jamaica Development Corp. has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprise (M/WBE) suppliers, contractors and/or businesses will be afforded equal opportunity without discrimination because of race, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veterans status.

Award of Contract, if all conditions are satisfactory and funds sufficient, it will be awarded to the selected bidder. The Owner, however, reserves the right to reject any or all bids and to waive any informality in bids received, whenever such rejection of waiver is in the Owner's interest. Conditional bids will not be accepted.

Award of Contract by Owner will be communicated to the selected Bidder on or before June 11, 2013.

*Use the following address* unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Economic Development Corporation, 90-04 161st Street, Jamaica, N.Y. Dan Allen/Mark Nieves (212) 243-7404.*

**HUMAN RESOURCES ADMINISTRATION**

**CONTRACTS**

**SOLICITATIONS**

*Human / Client Services*

**HOUSING RECOVERY CASE MANAGEMENT** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06913H085400 – DUE 05-06-13 AT 2:00 P.M. – In accordance with Section 3-04(b)(2)(i) of the Procurement Policy Board Rules, HRA intends to use the Negotiated Acquisition process to procure case management and program support services for the NYC Houses Rehabilitation Program. The selected vendor will perform various tasks including but not limited to: intake of applicants; providing case management; providing customer service representatives and support staff for quality assurance; customer service support; eligibility reviews; housing finance counseling services; legal counseling and special needs counseling at the Housing Recovery Centers to receive homeowners applying for housing rehabilitation or reconstruction assistance as a result of the damage and after-effects caused by Superstorm Sandy. The selected vendor will also provide overall project management for the program.

*Use the following address* unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Human Resources Administration, 180 Water Street, New York, NY 10038. Barbara Beirne (929) 221-6348; beirneb@hra.nyc.gov*

**AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS**

**NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

**HUMAN RESOURCES ADMINISTRATION**

**PUBLIC HEARINGS**

**CORRECTED NOTICE**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, April 25, 2013 in the HRA Conference Room, 180 Water Street, 16th Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of one (1) proposed contract between the Human Resources Administration of the City of New York and the vendor listed below for the provision of Messenger Truck Services at Various Locations Within New York City. The term of this contract shall be for three (3) years from May 1, 2013 to April 30, 2016.

**CONTRACTOR/ADDRESS**

**New York State Industries For the Disabled, Inc.**  
11 Columbia Circle Drive, Albany, NY 12203

**E-PIN** 09612M0002  
**Amount** \$183,465.00  
**Service Area** Citywide

The proposed contractor was selected by means of the Preferred Source procurement method, pursuant to Section 1-02 (d)(1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, 14th Floor, New York, N.Y. 10038 on business days, from April 12, 2013 to April 25, 2013, excluding Holidays, from 10:00 A.M. to 5:00 P.M.

**SANITATION**

**PUBLIC HEARINGS**

**CORRECTED NOTICE**

**NOTICE IS HEREBY GIVEN** that a **Special Contract Public Hearing will be held on Thursday, May 2, 2013, at 125 Worth Street, 2nd Floor Auditorium, Borough of Manhattan, commencing at 10:00 A.M. on the following:**

**IN THE MATTER** of a proposed contract between the Department of Sanitation and **Covanta 4Recovery, L.P.**, 445 South Street, Morristown, New Jersey 07960, for Municipal Solid Waste Management, Transportation and Disposal Services for the North Shore and East 91st Street Marine Transfer Stations. The term of the contract shall be 20 years from the Notice to Proceed for service, with two five-year renewal options. The amount of the contract is not to exceed \$3.2 billion. PIN #: 82704RR00031.

The proposed contractor has been selected by means of the Competitive Sealed Proposal method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the contract terms is available for public inspection at the Department of Sanitation's Contract Division, 44 Beaver Street, 2nd Floor, Room 203, New York, NY 10004, Monday to Friday, from April 19, 2013 to May 2, 2013, excluding Holidays from 10:00 A.M. to 4:00 P.M.

## READER'S GUIDE

The City Record (CR) is published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in The City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

### NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), and click on Prevailing Wage Schedules to view rates.

### CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

### VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc). To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

### SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit [www.nyc.gov/html/sbs/nycbiz](http://www.nyc.gov/html/sbs/nycbiz) and click on Summary of Services, followed by Selling to Government.

### PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

### NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

### PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit [www.nyc.gov/mocs](http://www.nyc.gov/mocs).

### ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit [www.nyc.gov/sbs](http://www.nyc.gov/sbs) and click on M/WBE Certification and Access.

### PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

### PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc)

### COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

### KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
DP	Demonstration Project
SS	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances ( <i>Client Services/CSB or CSP only</i> )
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price <i>Award to Other Than Lowest Responsible &amp; Responsive Bidder or Proposer/Reason (award only)</i>
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (specify)

### HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM** – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.*

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in The City Record