

**NEW YORK STATE DEPARTMENT OF HEALTH**  
**BUREAU OF ENVIRONMENTAL RADIATION PROTECTION**  
**RADIATION GUIDE 10.15**  
**INFORMATION NECESSARY FOR**  
**LEAD PAINT ANALYZER LICENSES**

**PURPOSE OF GUIDE**

A radioactive materials license is necessary in order to possess and use radioactive materials as contained in lead paint analyzers. Even if the unit is used only sporadically, and is actually owned by another group or agency, a radioactive materials license is needed in order to assure that the unit is used and stored safely.

**APPLICABLE REGULATIONS**

All regulations pertaining to this type of license are found in Title 10, Chapter 1, Part 16 of the New York Code of Rules and Regulations (10 NYCRR 16). Chapter 1 is entitled "State Sanitary Code" and Part 16 is entitled "Ionizing Radiation." The statutory authority for the rules and regulations is found in the New York State Public Health Law, Section 225.

**FILING AN APPLICATION**

A license application for specific licenses for radioactive materials use should be submitted on Form DOH-370 "Application for Radioactive Materials License" and appropriate attachments. The applicant should complete all items on the application form in sufficient detail for the review staff to determine that the applicant's equipment, facilities, personnel training and qualifications, and radiation safety program are adequate to protect health and minimize danger to life and property. The Department will request additional information when necessary to provide reasonable assurance that the applicant has established an adequate radiation safety program. Such requests will delay final action on the application.

For Items 5 through 25, submit the required information on supplementary pages. You should identify and key each separate sheet or document submitted with the application to the item number on the application to which it refers. All typed pages, sketches, and, if possible, drawings should be on 8-1/2 x 11 inch paper to facilitate handling and review. If larger drawings are necessary, fold them to 8-1/2 x 11 inches.

One copy of the application, with all attachments, should be retained by the applicant, since the license will require as a condition that the licensee follow the statements and representations set forth in the application and any supplement to it. The original and one copy should be mailed to the Bureau of Environmental Radiation Protection, New York State Department of Health, 2 University Place, Room 375, Albany, New York 12203.

## CONTENTS OF AN APPLICATION

The following paragraphs explain the information requested on Form DOH-370. The item numbers correspond to the appropriate section of the form.

- Item 1.       a.     Enter the name of the institution applying for the license.
- b.     Enter the address of the location where radioactive materials will be stored.
- Item 2.       Name the individual to be contacted about this application.
- Item 3.       Indicate whether this is an application for a new license, an amendment, or a renewal; and enter the license number.
- Item 4.       Enter the name and title of the person who will be the Radiation Safety Officer.
- Item 5.       INDIVIDUAL USERS. Submit the names and qualifications of all persons that you wish to have named as individual users. Include a copy of the certificate of completion of the training given by the representatives of the manufacturer for each user, or evidence of equivalent training.
- Confirm that under no circumstances will radioactive material be transferred to the custody of any other person or firm, or be used or stored by another person or firm or its employees; unless that person or firm possesses a valid license to possess and use such radioactive material.
- Item 6.       RADIOACTIVE MATERIALS. Identify the manufacturer and model of the instrument. Indicate the model number of the source, the isotope contained in the source, and the maximum activity that will be possessed at one time.
- Item 7.       USE. Describe the intended use of the radioactive materials listed in Item 6.
- Item 8.       RADIATION SAFETY OFFICER. Submit the name of the person who will act as Radiation Safety Officer. The Radiation Safety Officer will be the person responsible for assuring that all code and license conditions are complied with. This person should be an authorized user, and will act as a future contact person for this office.
- Item 9.       PERSONNEL TRAINING PROGRAM. You must provide a training program for individuals who work with or in the vicinity of radioactive materials. Confirm that all personnel who work in the vicinity of where the unit is stored will receive instruction covering: whom to contact with questions, the security of the unit, hazards involved (or lack thereof), etc.
- Item 10.      Not applicable.

Item 11. STORAGE FACILITIES. Facility diagrams must be submitted for all areas where radioactive materials are stored when not in use in the field. Diagrams should include dimensions and be drawn to scale. Adjoining areas should be identified in the diagram. Describe the location and wording of warning signs and security precautions (lockable doors or cabinets, limited access, etc.).

Submit your procedures for overnight storage at locations not specifically named in the license. Storage cannot be in a residence or attached garage unless the unit is within a vehicle. Any vehicle used for storage should be driven only for the purposes associated with the use or transport of the contained material, by a person authorized to use the material, and no passengers should be carried unless they are also involved in work under the license. Vehicular storage should only be allowed if no other storage is possible and cannot exceed three consecutive nights.

Item 12 through Item 21. Not applicable.

Item 22. FIELD USE. Confirm that radioactive material will only be removed from its storage location by an authorized user. A utilization log containing the identification of sources used, dates removed and returned to storage, the location of use, and the identity of the user should be kept at the location of storage. The log should contain enough detail to enable the licensee to inform the Department, at any time, of the exact location of each source.

Confirm that radioactive material outside a storage area (e.g. in transport or in a field location) will not be left unattended or unsecured at any time.

Confirm that the most recent leak test results, the manufacturer's instruction manual, and your operating and emergency procedures will be maintained at temporary job sites for Department inspection. Emergency procedures should include the Department's current telephone number.

Item 22. TRANSPORTATION. Confirm that Department of Transportation requirements will be met. This is normally fulfilled by carrying appropriate shipping papers, often supplied by the manufacturer, when transporting the instrument.

Item 22. LEAK TESTING. Confirm that leak tests of sealed sources will be performed at six month intervals by persons specifically authorized by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. If the instrument is owned by another group who will be responsible for leak tests, please indicate this in your response.

Item 23. PERSONNEL MONITORING. Although exposures should be minimal during the use of the lead paint analyzer, a personnel monitoring program may be used to establish an exposure history for the users. If exposures are minimal, a request can be made to amend the license to discontinue monitoring. Describe your personnel monitoring program.

Item 24 and Item 25. Not applicable.

Item 26. CERTIFICATE. The application must be signed by the director or chief executive officer. Identify the title of the office held by the individual who signs the

application. The appropriate person must sign and date the application, and the name and title of that person must be typed or printed on the lines provided.

### **AMENDMENTS TO LICENSES**

Licenses are required to conduct their programs in accordance with statements, representations, and procedures contained in the license application and supporting documents. The license must therefore be amended if the licensee plans to make any changes in the facilities, equipment (including types of monitoring and survey instruments), procedures, authorized users, radiation safety officer, or radioactive material to be used.

Applications for license amendments may be filed either on the application form or in letter form. The application should identify the license by number and should clearly describe the exact nature of the changes, additions, or deletions. References to previously submitted information and documents should be clear and specific and should identify the pertinent information by date, page and paragraph.

Amendment applications must be signed as described in Item 26 and dated. An original and two copies of the application for amendment should be prepared, and the original and one copy should be submitted, as in the cases for new or renewal applications.

### **RENEWAL OF A LICENSE**

An application for renewal of a license should be filed at least 30 days prior to the expiration date. This will ensure that the license does not expire until final action on the application has been taken by the New York State Health Department as provided for in Section 16.105 of 10 NYCRR 16.

Renewal applications should be filed on Form DOH-370 appropriately supplemented, should contain complete and up-to-date information about the applicant's current program, should meet all licensing and regulatory requirements in effect at the time of renewal, and must be signed as described in Item 26 and dated. Renewal applications should also include the user's training and experience or make a clear and specific reference to previous applications on which individual users received approval.

In order to facilitate the review process, the application for renewal should be submitted without reference to previously submitted documents and information (except for previously approved users).

Prepare an original and two copies of the application. Retain one copy of the application, with all attachments, because the license will require, as a condition, that the institution follow the statements and representations set forth in the application and any supplement to it. Mail the original and one copy to the Bureau of Environmental Radiation Protection, New York State Health Department, 2 University Place, Room 375, Albany, New York 12203.

## **LICENSE TERMINATION REQUESTS**

Submit a signed Form GEN 322 indicating the disposition of the radioactive material. Form GEN 322 is available from the Bureau of Environmental Radiation Protection, New York State Health Department.

Submit survey results showing that all previously occupied areas are free of contamination and all sources of radioactive material have been removed in accordance with Section 16.10 of 10 NYCRR 16. A decontamination guide is available from the Bureau of Environmental Radiation Protection, New York State Health Department.

Such submissions must be made at least 30 days prior to relinquishing possession or control of premises where radioactive material is or has been stored or used.