

**NEW YORK STATE DEPARTMENT OF HEALTH**  
**BUREAU OF ENVIRONMENTAL RADIATION PROTECTION**  
**RADIATION GUIDE 10.15, Rev. 1**  
**INFORMATION NECESSARY FOR**  
**XRF & LEAD PAINT ANALYZER LICENSES**

**PURPOSE OF GUIDE**

A specific radioactive materials license is necessary in order to possess and use radioactive materials contained in X-Ray Fluorescence (XRF) devices and lead paint analyzers. This guidance is provided to assist the applicant with completing a radioactive materials license application.

**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**

You, as the applicant for a materials license, must complete Form DOSH 236. You should complete Items 1 through 4 and 18 on the form itself. For Items 5 through 17, submit the information on supplementary pages. Each separate sheet or document submitted with the application should be identified and keyed to the item number on the application to which it refers. All typed pages, sketches, and, if possible, drawings should be on 8 ½ x 11 inch paper to facilitate handling and review. If larger drawings are necessary, they should be folded to 8 ½ x 11 inches. You should complete all items in the application in sufficient detail for the Department to determine that your equipment, facilities, training and experience, and radiation safety program are adequate to protect health and to minimize danger to life and property.

You must submit two copies of your application with attachments. Retain one copy for yourself, because the license will require that you possess and use licensed material in accordance with the statements and representations in your application and in any supplements to it.

Mail your completed application and the required fee to:

New York State Department of Health  
Bureau of Environmental Radiation Protection  
ESP, Corning Tower - Room 1245  
Albany, New York 12237

Applications received without fees will not be processed, and the fee is non-refundable.

## CONTENTS OF AN APPLICATION

The following paragraphs explain the information requested on Form DOSH 236. The item numbers correspond to the appropriate section of the form.

Indicate whether this is an application for a new license, an amendment or a renewal; and enter the license number and the number of this Radiation Guide (10.15, Rev. 1).

- Item 1. Enter the name and address of the company, organization or agency applying for the license.
- Item 2.A. Enter the address of the location where radioactive materials will be stored.
- Item 2.B. Check yes or no, depending on whether you are requesting use at a temporary jobsite, where security can be provided.
- Item 3. Describe the type of business in which you are engaged.
- Item 4. Enter the license number of any previous or current licenses authorizing use of radioactive materials (including General Licenses) and the name of the issuing agency. If a license has ever been suspended or revoked, describe the circumstances on additional sheets.
- Item 5. Indicate what department, unit or laboratory in your organization will use radioactive materials.
- Item 6. **INDIVIDUAL USERS.** Confirm that only those individuals that meet the training and experience requirements in Items 10 and 11 of this application will be authorized to use license material. Confirm that you will maintain a current list of authorized individuals.
- Item 7. **RADIATION SAFETY OFFICER (RSO).** Provide the name and e-mail address of the individual that will be responsible for your radiation safety program. Describe that individual's training and experience with XRF or Lead Paint Analyzers.
- Item 8. **RADIOACTIVE MATERIALS.** For each model/vendor device: Identify the manufacturer and model number of the device. Indicate the model number of the source, the isotope contained in the source, and the maximum activity for the device. Indicate the total activity, per isotope, that will be possessed at any one time.
- Item 9. Describe the intended use of the radioactive materials.
- Items 10. & 11. **PERSONNEL TRAINING AND EXPERIENCE.**

- 1. Confirm that all individuals permitted to use devices without direct supervision will be trained in radiation safety and in the manufacturer's operating and emergency procedures prior to using the devices and that these individual will receive annual radiation safety training. Acceptable methods of training include the device manufacturer's training program or training by an operator who has previously taken the device manufacturer's training program.
- 2. Confirm that records documenting operator training will be maintained for three years after the employee ceases activities authorized by the license

You may respond to the above by stating that you will ensure training and maintain records of such for all device users, in accordance with the provisions of New York State Department of Health Radiation Guide 10.15, Rev. 1.

Items 12. & 13.           **INSTRUMENTATION AND CALIBRATION.** For routine use of these devices, radiation survey instruments are not required.

Item 14.   **PERSONNEL MONITORING AND BIOASSAYS.** Not required.

Item 15.   **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.).

For applicants who check Item 2. B. (above): 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 five consecutive nights.

Item 16.   **RADIATION PROTECTION PROGRAM.**

Use of the device. Confirm that devices will be used in accordance with the manufacturer's instruction manual.

Leak Testing. You must perform periodic tests to determine whether or not there is any leakage from the radioactive source in each device. The leak test must be performed at six-month intervals, unless otherwise authorized, and the measurement of the leak-test sample must be quantitative, using instrumentation sufficiently sensitive to detect 0.005 microcurie of radioactivity.

Confirm that leak tests of sealed sources will be performed at six month intervals, unless otherwise authorized, by persons specifically authorized by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. Confirm that individual leak test results will be maintained for a period of 5 years.

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.

Emergency procedures. Steps workers are to take in the event of loss, damage or serious malfunction, including individuals to be notified, must be provided. Procedures should specify that loss, or damage that might result in contamination or exposure, must be reported immediately to the Department, and must contain current daytime and after-hours telephone numbers for the Department.

## FIELD USE.

For applicants who check Item 2. B. (above): Confirm that an analyzer 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 all devices will be in locked storage or physically watched by an authorized user at all times (e.g., in transport or in a field location). It is not acceptable, for example, for a device to be chained to a post or left lying unattended at the place of use during lunch or breaks, even for a few minutes, since it would then be accessible to unauthorized persons.

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 17. **WASTE MANAGEMENT.** Licensed radioactive material, including waste, may be transferred to an authorized recipient only. Confirm that you will obtain your devices from suppliers who will agree to receive them back, or provide your procedures for waste management.
- Item 18. **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.

Name the individual to be contacted about this application.

## AMENDMENTS TO LICENSES

Licensees 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, procedures, 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 18 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 DOSH 236 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 18 and dated. Renewal applications should also include the RSO's training and experience or make a clear and specific reference to previous applications on which the RSO received approval.

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

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, ESP – Corning Tower, Room 1245, Albany, New York 12237.

## **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 records showing the disposition of licensed sources possessed or used under the license.

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.