



## **WHAT CAN I EXPECT DURING PART 380 COMPLIANCE INSPECTIONS?**

### **August 2022**

Inspectors from the New York State Department of Environmental Conservation's (DEC) Radiation Section may visit your facility to evaluate operations for compliance with 6 NYCRR Part 380, "*Rules and Regulations for Prevention and Control of Environmental Pollution by Radioactive Materials.*" Such surprise visits need not be unsettling. This document provides general guidance to let you know what to expect so that your facility can undergo such an inspection successfully.

The Part 380 regulations apply to facilities releasing or disposing of licensed radioactive material within the State. Part 380 authorizes several release and disposal methods for which a permit is not required, as well as several methods that may only be authorized under a permit. Facilities subject to Part 380 must comply with all applicable provisions, whether or not a DEC Part 380 permit is required for the specific disposal or release. When visiting a facility, DEC inspectors evaluate all radioactive material disposal or release methods in use and review facility records for compliance with Part 380 requirements. For facilities that have been issued a Part 380 permit, the inspectors will also evaluate facility operations for compliance with the specific conditions of the permit. The Environmental Conservation Law and the Part 380 regulations grant DEC inspectors authority to access any premises where regulated activities may be occurring.

#### Inspection Process

Upon arrival onsite, DEC inspectors will identify themselves and will request to speak to the facility radiation safety officer, who will be asked to inform facility management about the inspection. You should designate appropriate personnel in advance to meet with an inspector in the event that the facility's radiation safety officer is absent. Designated personnel should be able to show inspectors all areas where radioactive materials are handled, released, and disposed of, and direct inspectors to all pertinent records.

During the inspection, DEC inspectors will observe facility operations, interview personnel, and review records. Part 380 requires facilities to maintain records of all radioactive material disposals and releases. Therefore, you should ensure that all relevant records are retrievable by designated staff, so that records can be made available for review. Your records should demonstrate that Part 380 requirements have been met (i.e., specify quantities and concentrations released, identify disposal method used, location, dates, etc.) These records should be legible, well organized, self-explanatory, and up-to-date.

At the conclusion of the inspection, DEC inspectors will ask to meet with the radiation safety officer and a management representative for an exit interview. At this time, the inspectors will present their preliminary inspection results. Inspectors will also ask facility management how it supports the radiation safety officer's efforts to implement the radiation safety program. Inspectors will look for strong management support that fosters a healthy radiation safety program and environmental protection ethic throughout the facility.

#### Outline

Throughout an inspection, DEC inspectors will gather information about your facility's radioactive materials use, handling, release, and disposal procedures. The information obtained is then compared against Part 380 requirements to determine whether your facility's operations are conducted in compliance with Part 380. Following is an outline of how inspectors evaluate a facility's operations for Part 380 compliance.

## Questions

Copies of the Part 380 regulations and Part 380 permit application guidelines are available from DEC's Radiation Program. For questions regarding Part 380, inspections, or permits, contact the Radiation Control Permit Section at (518) 402-8652, or at the above address.

**EVALUATING FACILITY COMPLIANCE  
WITH THE 6 NYCRR PART 380 REGULATIONS**

FACILITY RADIONUCLIDE RELEASE / DISPOSAL METHODS IN USE:

1. **Transfer to an Authorized Recipient** (Section 380-4.1)
  - must maintain records of all such transfers per Section 380-8.
2. **Disposal at Licensed Land Disposal Facility** (Section 380-4.1)
  - must maintain records of all such disposals per Section 380-8.
3. **Decay in Storage**, in accordance with Radioactive Material License (Section 380-4.1)
  - must maintain records of all such disposals per Section 380-8.
4. **Exempted Biomedical Waste** (Section 380-4.3)
  - must maintain records of such disposals per Section 380-8.
5. **Discharge to Municipal Sanitary Sewer System** (Section 380-4.2)
  - must evaluate the quantities and concentrations per Section 380-6.
  - must maintain records of the discharges, per Section 380-8.
6. **Emissions to Air** (Section 380-3.1)
  - must evaluate the quantities and concentrations per Section 380-6.
  - must maintain records of all emissions to air per Section 380-8.
  - may require a Part 380 permit.

Permit Required?

- a) Are any gaseous, volatile, or particulate radioactive materials used that could become airborne, or are any radioactive materials used in fume hoods or glove boxes?
  - b) If YES, is the average annual concentration of radionuclides in the effluent (before filtration) from each emission point less than 10 percent of the concentrations in Section 380-11.7, Table II, Column 1?
    - ▶ If YES, no permit is required, per Section 380-3.4.
    - ▶ If NO, in order for emissions to continue, must apply for a permit, per Section 380-3.1(a)(1).
    - ▶ If facility DOESN'T KNOW, facility must proceed evaluating the quantities and concentrations released in effluents to air, per Subpart 380-6.
7. **Discharges to Ground or Surface Water** (Section 380-3.1)
    - applies to any facility not connected to a municipal sanitary sewer system that releases radioactive material to a sink or drain that leads to an on-site septic tank, leach field, or wastewater treatment plant.
    - all such discharges require a Part 380 permit, per Section 380-3.1(a)(2).
  8. **Incineration** (Section 380-3.1)
    - applies to incineration of radioactive material (other than exempted biomedical waste per Section 380-4.3).
    - all such incinerations require a Part 380 permit, per Section 380-3.1(a)(3).

For questions, or to obtain a copy of the Part 380 regulations or a Part 380 permit application guide, call the NYS Department of Environmental Conservation's Radiation Control Permit Section at (518) 402-8652.