

New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials

Office of the Director, 9th Floor

625 Broadway, Albany, NY 12233-7250

Phone: (518) 402-8651 • Fax: (518) 402-9024

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

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Dear Interested Party:

The New York State Department of Environmental Conservation (Department) is planning to amend its *Rules and Regulations for Prevention and Control of Environmental Pollution by Radioactive Materials*, 6 NYCRR Part 380. The amendment is prompted by the need for the Department to adopt certain federal regulations, but will also serve to clarify and improve the existing regulations. The amendment will include: several minor changes to definitions; an expansion of criteria for the disposal of specific wastes (the so-called biomedical exemption) to include biodegradable animal bedding; changes to requirements for reporting incidents; prohibit the deliberate submission of inaccurate or incomplete information, and add two radionuclides, N-13 and O-15, to the tables of effluent concentrations. In addition, the amendment will add a ten millirem constraint on airborne emissions, a requirement which has been implemented for several years through Part 380 Radiation Control Permit conditions.

The preliminary draft of the amendment is available for review at the Department's website, at www.dec.ny.gov; click on "Recent Additions to this Site - Radiation." Public input on the potential environmental or economic costs or benefits of any of these changes is requested.

Comments on the preliminary draft of the amendment can be submitted by U.S. Postal Service mail to this address: Ms. Sandra Hinkel, Radiation Control Permit Section, Bureau of Hazardous Waste & Radiation Management, Division of Solid & Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, 9th Floor, Albany, NY 12233-7255. Or, you may submit comments electronically to the radiation program's e-mail address at: radregs@gw.dec.state.ny.us; please include "Part 380" in the subject line of your message. Please submit comments by January 15, 2010.

In response to comments received, we expect to make changes to the enclosed preliminary draft amendment before we formally publish the proposed amendment in mid-2010. When the formal Notice of Proposed Rulemaking is published in the State Register, information on the proposed amendment to Part 380, how to submit comments on the published proposal, and the schedule of public hearings will be provided in the Environmental News Bulletin.

If you have questions about the effect of this proposed amendment to the Part 380 regulations or on Part 380 permittees, please contact Sandra Hinkel, at (518) 402-8579.

Sincerely,

Edwin E. Dassatti, P.E.

Director

Division of Solid & Hazardous Materials