



Part 381: Transporters Of Low-Level Radioactive Waste

(Pursuant to Article 27, Title 3 of the Environmental Conservation Law)

[Effective September 15, 1988]

[As Amended July 9, 1997]

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§381.12 Low-level radioactive waste manifest system.

(a) No low-level radioactive waste subject to the regulations in this Part may be transported, or disposed of into, within or through the State of New York without a completed manifest as defined in 381.4 (r) of this part.

(b) All manifest documents must include all information required in 10 CFR Part 20 Section 20.2006 and Appendix F to Sections 20.1001-20.2401 and 49 CFR 172.203(d). Beginning March 1, 1998, manifest documents must include all information required in 10 CFR Part 20 Section 20.2006 and Appendix G (See section 381.18 of this Part.)

(c) Requirements for New York State generators, waste collectors and processors.
Generators, waste collectors and processors must not:

(1) offer a shipment of low-level radioactive waste for transport into, within or through New York State without an accompanying manifest;

(2) deliver a shipment of low-level radioactive waste to a transporter unless either:

(i) such transporter has a valid permit, issued under this Part, which authorizes the transport of the particular waste(s) offered for shipment to the designated facility; or

(ii) the transporter is otherwise exempt from the requirements of this Part.

(3) offer for shipment or ship a low-level radioactive waste into, within or through New York State to other than an authorized facility.

§381.15 Transporter recordkeeping requirements.

(a) A transporter of low-level radioactive waste must keep a copy of the manifest signed by the generator or processor, the transporter and the next designated transporter or the owner or operator of the authorized facility, for a period of three years from the date the waste was accepted by the initial transporter.

(b) All records required under this section must be furnished to the department upon request and must be postmarked within 10 business days of receipt of a written request by the department. Such records must be made available at all reasonable times for inspection by any officer, employee or representative of the department who is duly designated by the commissioner.

(c) The three-year period of retention referred to in this section is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the commissioner.

Subpart 383.13: Records, Reports, and Public Information

(Statutory authority: Environmental Conservation Law, arts. 3, 17, 19, 27, 29)

[Effective Date March 14, 1993]

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§383-13.1 Applicability.

Sections 383-13.2 through 383-13.5 specify the minimum requirements for recordkeeping, reporting, and public information during the pre-operation, operation, closure, post-closure, and institutional control periods for a land disposal facility. Except as otherwise provided in this Part, any person who maintains or operates a land disposal facility subject to this Part must do so in accordance with the requirements of this subpart.

§383-13.2 Recordkeeping requirements.

(a) The permittee must retain and maintain legible, comprehensible records, including all:

- (1) completed waste shipment manifests;
- (2) shipment nonconformance reports;
- (3) waste inspection, monitoring, sampling, analysis and acceptance records including videotapes of the x-ray inspections of waste packages;
- (4) waste treatment, reprocessing, and repackaging records;
- (5) waste package documents required in section 383-13.2(f) of this Part;

(6) disposal unit documents required in section 383-13.2(g) of this Part;

(7) monitoring data and records and records of inspections as required by subpart 383-10 of this Part;

(8) reports of exceedances of action levels, alerts, site area emergencies and other abnormal occurrences;

(9) the monthly and annual operations reports required by sections 383-13.3 and 383-13.4 of this Part;

(10) personnel training records that document the type and amount of both introductory and continued training that has been given to and completed by facility personnel;

(11) the survey maps required by section 383-11.4(d) of this Part; and

(12) any other records required by the permit or by orders of the department.

(b) The permittee must retain and preserve the originals of the records required by this Part in legible and readily retrievable form in a secure building located on the disposal site until the end of the operation period. At that time, the permittee must move the originals of the records to a secure building located off of the disposal site, and the permittee must retain and preserve the originals of the records until the end of the institutional control period. At the end of the institutional control period, the custodial agency must retain and preserve the originals of the records.

(c) The permittee must maintain one set of copies of the records required by this Part for routine use and access in a recordkeeping system approved in the permit.

(d) The permittee must maintain one set of copies of the records required by this Part, in a form approved in the permit, at a location other than the disposal site until the end of the institutional control period. The copies must be stored at a location other than that used, after the operational period, for storage of the original records.

(e) At the end of the closure period, a copy of the waste package documents listed in section 383-13.2(f) of this Part and the disposal unit documents listed in section 383-13.2(g) of this Part must be sent to the chief executives of the county or counties in which the facility is located and to any other person designated by the department at that time.

(f) The waste package documents must provide a complete record of each waste package through receipt, inspection, acceptance, treatment, reprocessing, repackaging and disposal. The documents must also provide summaries of the total quantities of waste which have been received, accepted, treated, processed, repackaged and disposed by categories. The documents must contain physical and chemical descriptions of the waste, the waste volumes, the radionuclides contained and their quantities, and the total radioactivity by waste classification. The location of each waste package must be identified on a grid system, shown on cross-sectional and plan views of each disposal unit.

(g) The disposal unit documents must provide a complete record of each disposal unit. The documents must include a description of the disposal unit; as-built drawings of the disposal unit; a chronological history of the construction of each disposal unit and of disposal operations in the disposal unit; summaries of waste contained in the disposal unit; a description of the closure of the disposal unit; a grid system of the disposal unit allowing the location of the disposal of waste shipments to be identified; and cross-sectional and plan views of the disposal unit.

(h) The permittee must store information pertaining to the receipt and disposal of waste as required in this section.

(1) The permittee must maintain access to a computer recordkeeping system for electronic storage and manipulation of information, including information transcribed from manifests that accompany shipments of waste to the land disposal facility. The following information must be stored in the computer recordkeeping system:

(i) the date that the shipment was received at the land disposal facility; (ii) the date of disposal of the waste;

(iii) a unique shipment manifest number;

(iv) the location of disposal at the disposal site;

(v) the volume of any pallet, bracing, or other materials that are included with waste shipments, or are generated from on-site activities, and are disposed of as contaminated or suspect materials; and

(vi) the manifest information required by Part 381 of this Title.

(2) The permittee must develop and use the computer recordkeeping system in accordance with a quality assurance program that, at a minimum, addresses system development, verification, operation, maintenance, and modification. The permittee must impose controls (e.g., backup data storage, access controls) to ensure that the stored data is protected against loss or unauthorized modification.

(3) Information must be transferred to and stored in the computer recordkeeping system as the waste is received, inspected, and disposed of, unless the computer recordkeeping system is disabled at the time the waste is received, inspected, or disposed of. In the event that the computer recordkeeping system is disabled or access is lost, information must be transferred to and stored in the computer recordkeeping system within five business days after access to the computer recordkeeping system has been restored, unless the department approves in writing a longer time period.

(4) Temporary disablement of or loss of access to the computer recordkeeping system need not preclude waste disposal, provided that the information is transferred and stored after access is restored and within the time period required in section 383-13.2(h)(3) of this Part.

(5) Information may be transferred to and stored in the computer recordkeeping system before receipt of waste, provided that the accuracy of the transferred information is confirmed when the shipment is received, inspected, and disposal is completed.

(6) The permittee must enter information into the computer recordkeeping system according to quality control procedures to ensure accurate transcription of data.

(7) The computer recordkeeping system must be capable of tracking the origin, transport, disposition, and characteristics of individual waste packages.

(8) The computer recordkeeping system must be capable of manipulating the data in a variety of ways, as required to make reports as specified by this Part or the permit. At a minimum, the computer recordkeeping system must be able to determine parameters such as waste volume, radionuclide inventories, radiation levels, or chelating agent content as a function of other parameters such as the waste description, the solidification agent, the waste or stability class, the waste generator, or groups of waste generators (e.g., nuclear utilities, hospitals).

§383-13.3 Monthly reports.

During the operation, closure, and post-closure periods, the permittee must submit to the department and the public information center a monthly operations report no later than 15 business days after the last day of each month. The monthly operations report must include the following information:

(a) during the operation period

(1) the volume and type, by waste classification, of all waste received, accepted, stored, treated and/or disposed at the land disposal facility, including the receipt of unacceptable waste and the disposition of the unacceptable waste;

(2) a summary of the results of waste inspection and testing; and (3) reports of exceedances of action levels, alerts, site area emergencies, and other abnormal occurrences.

(b) the status of any disposal units that were under construction, opened for waste disposal, undergoing closure, or closed during the reporting period;

(c) data and information obtained from the monitoring programs required by subpart 383-10 of this Part; and

(d) any changes made to facilities or procedures not in Groups 1 or 2 as described in section 383-3.9(b) of this Part.

§383-13.4 Annual reports.

(a) During the operation, closure, post-closure, and institutional control periods, the permittee must submit an annual report to the department and the public information center by May 31 of the following year.

(b) The annual report must contain the following information, as applicable:

(1) a summary of the data contained in the monthly operations reports;

(2) the quantity of any radionuclides released from the waste to the environment in liquid and in airborne effluents during the preceding year;

(3) a description of any unusual events or situations that occurred in the local area that were alleged to have been caused by activities at the land disposal facility and an explanation of their status and resolution;

(4) a description of any unusual events or situations that occurred on the site and their status and resolution;

(5) a description of any events that occurred off site or any changes in local land uses, activities, or population distribution that could affect the ability of the land disposal facility to meet the performance objectives;

(6) realistic (i.e., based on the results of the monitoring programs, not on worst-case assumptions) estimates of the following:

(i) the radiation dose to both the nearest resident and the critical receptor (in the general public) due to operation of the land disposal facility during the past year; and

(ii) the cumulative radiation dose to the nearest resident and the critical receptor (in the general public) due to operation of the facility since operation began;

(7) assessment of compliance with the performance objectives. This must include a demonstration by an independent licensed professional engineer and an independent certified health physicist that either there is or is not reasonable assurance that the land disposal facility is meeting the performance objectives and will continue to do so. If there is not reasonable assurance that the land disposal facility meets the performance objectives and will continue to do so, the report must include a plan and schedule of actions proposed to provide such assurance. The department may modify the permit, pursuant to Part 621 of this Title, to incorporate the plan and any other requirements necessary to provide reasonable assurance that the performance objectives will be met;

(8) an update of the technical analyses that were submitted in the application as required by section 383-3.4(h)(2) of this Part. The update must incorporate the following information, as appropriate:

(i) the results of the monitoring programs required by this Part;

(ii) changes in the design of the land disposal facility since the application was submitted;

(iii) changes in the land use in the vicinity of the land disposal facility;

(iv) the volume, activity, classes, and nature of the waste disposed of at the land disposal facility since operation began; and

(v) changes in the total volume, total activity, classes, and nature of the waste estimated to be disposed of at the land disposal facility during the remainder of the operation period as defined by the permit;

(9) a summary of any disposal unit maintenance activities;

(10) a description of any observed site characteristics that were found to be significantly different from those described in the application for a permit and the implications thereof;

(11) a waste minimization certification;

(i) The waste minimization certification must contain a description of:

(a) the efforts undertaken during the year to reduce the volume, activity, and toxicity of the waste generated at the land disposal facility;

(b) changes in the volume, activity, and toxicity of waste actually achieved during the year as compared to previous years to the extent such information is available;

(c) changes in the methods of treatment, storage, or disposal of any waste that may have occurred since submission of the previous certification; and

(d) a status report on the implementation of the waste reduction statement submitted in accordance with section 383-3.3(b)(3) of this Part;

(ii) in the waste minimization certification, the permittee must certify that:

(a) a program is in place to reduce the volume and activity of waste generated at the land disposal facility to the degree determined by the permittee to be technically and economically practicable; and

(b) the proposed method of treatment, storage, or disposal of waste generated at the land disposal facility is the most practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;

(12) a description of personnel and organizational changes and the current staffing levels at the land disposal facility;

(13) the current version of the survey map required by section 383-11.4(d) of this Part;

(14) information on the use of the public information center including descriptions of, and attendance at, any public information activities held and data on use of the public information center;

(15) information from the computer recordkeeping system, required by section 383-13.2(h), as required by the permit; and

(16) other information that the department may require.

§383-13.5 Public information.

(a) An applicant for a permit pursuant to this Part must establish and maintain a public information office within a reasonable distance, considering the availability of suitable office space, of the proposed disposal site(s) and any alternate disposal site(s). The office must be open for at least 20 hours a week during normal business hours (Monday through Friday, 9:00 am to 5:00 pm) and for a total of eight hours a week during weekday evenings and on weekends. The office must be open to the public beginning no later than 15 days after submission of the application.

(b) The permittee must establish and maintain a public information center on the disposal site during the operation, closure, and post-closure periods. The center must be open for at least 20 hours a week during normal business hours (Monday through Friday, 9:00 am to 5:00 pm) and for at least a total of eight hours a week during weekday evenings and on weekends.

(c) The public information center must contain a public documents room where individuals may review and copy documents related to the land disposal facility.

(d) The public information center must contain models of the disposal site and the disposal units, audio-visual presentations on land disposal facility operations, and demonstrations of radiation surveying and monitoring equipment and techniques. The public information center must present estimates of the radiation doses received by the general public due to site operations and transportation of waste to the site, and a comparison of the radiation doses with those received from natural and medical sources.

(e) The public information center must provide for public tours of the land disposal facility. The permittee must establish a schedule for tours when they will not conflict with operations at the land disposal facility.

