



NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE
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October 21, 2011

Mark S. Delligatti, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Dear Mr. Delligatti:

Enclosed are our sections of Article 175 of the New York City Health Code dealing with the notification of incidents and reporting requirements and which correspond to the following amendment to the NRC's regulations:

<u>RATS ID</u>	<u>Title</u>	<u>NYC Section</u>
1991-4	Notification of Incidents	§175.03(1)(2)
1991-4	Reporting Requirements	§175.03(1)(8)

This appears to be another instance where the revisions were not reviewed by NRC prior to being amended in our Health Code. We believe that our sections satisfy the compatibility category "C" found in FSME Procedure SA-200.

If you have any questions, please feel to contact me at (212) 313-5233 or Tobias Lickerman of my staffs at (212) 313-5216.

Sincerely,

Gene Miskin, Director
Office of Radiological Health

Enclosure:
As stated

175.03(l)(2) Notification of incidents.

(i) Immediate notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(A) an individual to receive:

(a) a total effective dose equivalent of 0.25 Sv (25 rem) or more; or

(b) an eye dose equivalent of 0.75 Sv (75 rem) or more; or

(c) a shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Gy (250 rad) or more; or

(B) the release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five (5) times the occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(ii) Twenty-four hour notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(A) an individual to receive, in a period of 24 hours:

(a) a total effective dose equivalent exceeding 0.05 Sv (5 rem); or

(b) an eye dose equivalent exceeding 0.15 Sv (15 rem); or

(c) a shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or

(B) the release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(iii) The licensee or registrant shall prepare each report filed with the Department pursuant to §175.03(l)(2) so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

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(iv) Licensees or registrants shall make the reports required by §175.03(l)(2)(i) and (ii) to the Department by telephone, telegram, mailgram, or facsimile.

(v) The provisions of §175.03(l)(2) do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to §175.03(l)(4).

175.03(l)(8) Event Reporting

(i) Immediate report. Each licensee or registrant shall notify the Department as soon as possible, but not later than four (4) hours, after the discovery of an event that prevents immediate preventive actions necessary to avoid exposures to radiation or radioactive material that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

(ii) Twenty-four hour report. Each licensee or registrant shall notify the Department within twenty-four (24) hours after the discovery of any of the following events involving regulated sources of radiation:

(A) An unplanned contamination event that:

(a) requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(b) involves a quantity of material greater than five (5) times the lowest annual limit on intake specified in Appendix B of §175.03 of this Code for the material; and

(c) has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

(B) An event in which equipment is disabled or fails to function as designed when:

(a) the equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, or to mitigate the consequences of an accident;

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(b) the equipment is required to be available and operable when it is disabled or fails to function; and

(c) no redundant equipment is available and operable to perform the required safety function.

(C) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

(D) An unplanned fire or explosion damaging any regulated radiation source or any device, container or equipment containing licensed material when:

(a) the quantity of material involved is greater than five (5) times the lowest annual limit on intake specified in Appendix B of §175.03 for the material; and

(b) the damage affects the integrity of the licensed material or its container.

(iii) Preparation and submission of reports. Reports made by licensees in response to requirements of §175.03(l)(9)(i) and (ii) must be made as follows:

(A) Licensees shall make reports required by §175.03(l)(9)(i) and (ii) by telephone to the Department. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(a) the caller's name and call back telephone number;

(b) a description of the event, including date and time;

(c) the exact location of the event;

(d) the isotopes, quantities, and chemical and physical form of the licensed material involved; and

(e) any personnel radiation exposure data available.

the extent of exposure of individuals to radiation or to radioactive materials without) identification of individuals by name.

