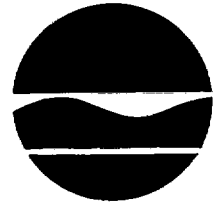


New York State Department of Environmental Conservation  
Division of Solid & Hazardous Materials  
Bureau of Radiation & Hazardous Sites Management  
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John P. Cahill  
Commissioner

JAN 27 1999

To: Lohaus, SP

Mr. Frank J. Miraglia, Jr.  
Deputy Executive Director for Regulatory Programs  
US Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

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Thompson 11/30 Ltr.

Dear Mr. Miraglia:

This responds to Mr. Hugh Thomson's November 30, 1998 letter, which transmitted the revised final report of the Integrated Materials Performance Evaluation Program Review of the New York Agreement State Program, January 26-April 24, 1998.

We appreciate the Management Review Board's (MRB) finding that the New York State program is adequate to protect the public health and safety and compatible with NRC's program. The revised final report contained three recommendations and one suggestion for the Department of Environmental Conservation's program. Our responses to those items are enclosed.

Overall, we found the IMPEP review to be a thorough and useful process, and we thank the team members and the MRB for their efforts.

Sincerely,

Paul J. Merges, Ph.D.  
Director  
Bureau of Radiation & Hazardous Sites Management  
Division of Solid & Hazardous Materials

Enc.

cc: R. Aldrich, NYSDOL  
G. Miskin, NYCDOH  
K. Rimawi, NYSDOH  
J. Spath, NYSERDA

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OSP

New York State Department of Environmental Conservation  
Division of Solid & Hazardous Materials  
Bureau of Radiation & Hazardous Sites Management

Response to November 1998 Revised Final Report  
IMPEP Review of New York Agreement State Program  
January 25, 1999

**RECOMMENDATIONS:**

1. The review team recommends that NYDEC document its training program to include overall policy and minimum training requirements for both the permitting and compliance staff. (Section 3.3.4)

*NYSDEC's Response:* We will develop a written policy on training, including minimum training for all staff. We expect the policy to be in place by September 1, 1999.

2. The review team recommends that NYDEC incorporate the handling of incidents and allegations into their inspection procedures. (Section 3.5.3)

*NYSDEC's Response:* We agree that we should have comprehensive procedures for handling incidents and allegations, and we have begun to develop those. However, we disagree that these procedures should be part of our inspection procedures. Less than half of the incidents we respond to involve the parties we inspect regularly. For those incidents that do involve regulated parties, the procedures will reference our inspection procedures. We will have those procedures in place by April 1, 1999.

3. The review team recommends that NYDEC coordinate with the appropriate New York licensing agency, the notification to the NRC of significant reportable event and provide documentation for all reportable events both in accordance with SA-300. (Section 3.5.4)

*NYSDEC's Response:* We will include such notification in the procedures to be developed in response to recommendation number 2, above.

## SUGGESTION

The review team suggests that NYDEC maintain one file for all types of incidents involving radioactive material. (Section 3.5.4)

*NYSDEC's Response:* We appreciate this suggestion, but disagree. Incidents are filed based on the facility involved and the type of incident. Records regarding incidents at facilities that hold Part 380 permits properly belong in the file for each individual facility. When we are called upon to investigate a radiation alarm at a solid waste management facility, we create and maintain a separate file for that facility. The file then contains (1) the information we gather on the solid waste management facility's equipment and operation, which will be needed the next time an alarm occurs there, and (2) all records of incidents at that facility. Finally, some incidents have evolved into contaminated sites; records on contaminated sites are maintained separately, filed by site.

In the incident and allegation procedure to be developed in response to recommendation number 2, we will include an incident log, which will list all incidents and the location of the file on each, along with other pertinent information. We believe this will meet the intent of the review team's suggestion.

