

New York State Department of Environmental Conservation  
Division of Solid and Hazardous Materials  
Bureau of Radiation  
625 Broadway, Albany, New York 12233-7255  
Phone: (518) 402-8579 FAX: (518) 402-8646  
Website: www.dec.state.ny.us



January 28, 2003

Mr. Paul Lohaus  
Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

03 FEB -6 PM 5:06

STP

Dear Mr. Lohaus:

Thank you for your November 12, 2002 letter transmitting the final Integrated Materials Performance Evaluation Program (IMPEP) report on the New York Agreement State Program. As you requested, we have reviewed the IMPEP team's recommendations, and are providing our responses.

The recommendations are summarized in Section 5.0 of the report. Paragraphs 1 and 2 of Section 5.0 recommend that DEC perform core inspections in a timely manner, and transmit inspection findings to our permittees within thirty days after the close of the inspection. We agree with the importance of performing inspections on time and in notifying the permittee of the inspection findings within 30 days. We will continue to work toward meeting that goal for all inspections, within the constraints created by a reduced staffing level and an increasing number of permittees.

In paragraph 4 of Section 5.0, the IMPEP team recommends that we perform annual supervisory accompaniments of all materials inspectors. The IMPEP team found that all but one of our inspectors had been accompanied annually. We have scheduled a management accompaniment of that inspector for May 2003 and plan to perform annual accompaniments of all inspectors in subsequent years.

Finally, in paragraph 8, the IMPEP team recommends that we develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility. On January 7, 2003, we received our Commissioner's approval to initiate a rulemaking to adopt the license termination rule. We are in the process of developing a schedule for that rulemaking. In addition, we will

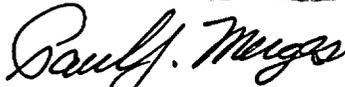
STP-006 *Complete*

RIDS DIST. SP01

develop an action plan to adopt the other regulations called for in the current NRC policy on adequacy and compatibility. That plan will be available for review at the next IMPEP interim visit.

We appreciate the time and effort the IMPEP team and Management Review Board spent in evaluating our program. If you have any questions, please contact me.

Sincerely,



Paul J. Merges, Ph.D.

Director

Bureau of Radiation

cc: J. Spath, NYSERDA  
A. Salame-Alfie, NYSDOH  
C. Bradt, NYSDOL  
G. Miskin, NYCDOH

