



THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

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January 28, 2002

Dr. Carl Paperiello
Deputy Executive Director
for Materials, Research and State Programs
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Paperiello:

The following are New York City's Office of Radiological Health responses to the final recommendations made by the IMPEP Review Team and approved by the Management Review Board during its meeting held on November 5, 2002. We extend our thanks and compliments to the review team for their professionalism, thoroughness and courtesy.

- 1. The review team recommends that NYC perform core inspections in a timely manner and that NYC take appropriate actions to improve the tracking mechanisms necessary to evaluate the timeliness for initial inspections.**

NYC is initiating a new policy whereby the Section Chief will be responsible for the scheduling of all inspections due on a monthly basis. This will be accomplished by utilizing the RAD Database.

- 2. The review team recommends that NYC transmit inspection findings to their licensees within thirty days after the close of the inspection.**

Instead of having the Section Supervisor prepare the letters to the facilities inspected, as is the current practice, NYC will now require all of its inspectors to write their own letters for the facilities they have inspected. This will be accomplished on the days they are in the office and will entail secondary and tertiary review by the Section Chief and Director to ensure the letters are sent in a timely fashion and are complete and appropriate in content. To this end, NYC is currently in the process of requesting additional, newer computer equipment for use by the inspectors to allow for more timely preparation and dissemination of inspection findings.

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- 3. The review team recommends that NYC review and revise their inspection process, including report preparation to ensure that the inspection findings are accurately described in the documentation of the inspection and that cited violations are supported in the inspection field notes.**

The overall responsibility for review of inspection findings has been transferred to the Section Chief, who will review the findings and materials with the inspectors to ensure that violations cited in correspondence are fully supported by inspection field notes and that the files are complete and accurate.

Responsibilities for accurate, complete, and professional documentation have been reemphasized with the inspectors. The system for report preparation and processing will be reviewed and modified where appropriate. In addition, the Office will perform a review to determine if there is sufficient time on the part of the inspectors to implement an effective peer review system.

- 4. The review team recommends that NYC review all licenses to ascertain if they require financial assurance and take appropriate action on each affected license to ensure that all licenses meet the codified financial assurance requirements.**

Since the close of this review, NYC has received 2 licensee financial assurance instruments and is reviewing the other licensees that meet the criteria for this assurance requirement and will require the appropriate assurances and adjust license records accordingly.

- 5. The review team recommends that NYC draft and implement a method to ensure timely submittal of information to NRC and the NMED Database and implement an effective procedure to identify, track, and review all incident reports.**

NYC will utilize an in-house database to record, review and track all incident reports and will also include information on those incidents reported to the NMED Database. Both the NMED and in-house systems will be updated to reflect pertinent actions and dates of closeout.

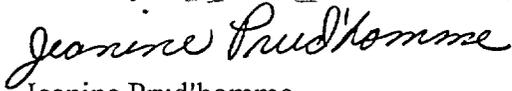
- 6. The review team recommends that each New York Agency develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.**

NYC plans to draft and adopt those NRC rule makings that are applicable to this program at the time changes are made to Article 175.103- "Medical use of radioactive material." (anticipated within two years). In the interim, we shall continue to utilize Article 175.101(k)(1)(i) "*Conditions of specific licenses*" which states that the licensee shall comply with all applicable provisions of this Code, all other laws now or hereafter in effect, and with all applicable rules, regulations, codes and orders now or hereafter in effect of the Department and of all appropriate regulatory agencies. Under this provision, license conditions specific to NRC rule makings and appropriate for particular licensees will be used.

The Management of the Division of Environmental Health, Bureau of Environmental Sciences and Engineering, and the Office of Radiological Health is committed to making the operational improvements described above. To this end, Bureau and Office management will perform an internal review of aspects found deficient in this review on a **monthly** basis, with emphasis on the appropriate tracking of inspections due, the timeliness of inspections and transmittal of inspection findings, completeness and accuracy of inspection files and materials, financial assurance requirements, timely and complete incident reporting and tracking, and regulatory tracking and promulgation where appropriate.

I apologize for the delay in our response to this report. You may reach me at (212) 676-1504 in the event you wish to discuss this matter further.

Sincerely,



Jeanine Prud'homme
Assistant Commissioner
Environmental Sciences and Engineering

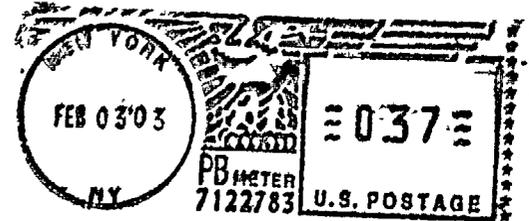
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