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NUCLEAR REGULATORY COMMISSION
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December 18, 2003

Adela Salame-Alfie, Ph.D., Director
Bureau of Environmental Radiation Protection
New York Department of Health
547 River Street
Troy, NY 12180-2216

SUBJECT: PERIODIC MANAGEMENT MEETING SUMMARY

Dear Dr. Salame-Alfie:

A periodic meeting with the New York State Department of Health was held on November 13, 2003. The purpose of the meeting was to review and discuss the status of the New York Agreement State program. The NRC was represented by Kevin Hsueh from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the Department's actions taken in response to the IMPEP recommendations.

I have completed and enclosed a general meeting summary, included any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at adw@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

cc:
K. Hsueh, STP
R. Bores, RI

A. Salame-Alfie
Bureau of Environmental Radiation Protection

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
NEW YORK DEPARTMENT OF HEALTH (DOH)

DATE OF MEETING: November 13, 2003

ATTENDEES:

Duncan White, RSAO
Kevin Hsueh, ASPO
Adela Salame-Alfie, Program Director
Steven Gavitt, Assistant Program Director
Robert Dansereau, Radioactive Materials Section Chief
Cynthia Costello, Environmental Section Chief
Gary Baker, Field Operations Section Chief
Dave Sternberg, Database Development
Denise Cook, Database Development

DISCUSSION:

The proposed status of each of the three recommendations applicable to DOH in Section 5.0 of the 2002 Integrated Materials Performance Evaluation Program (IMPEP) review of New York is summarized below.

1. The review team recommends that DOH provide prompt, in-depth, documented review of events with the potential for significant health and safety consequences. (Section 3.5.5)

Current Status: The program initiated in June 2003 the use of an in-house developed database (called INCIDENT) for the use of tracking and documenting all events reported to the Bureau. The database is based on Power Builder software and resides on the Department's network servers. It is linked to the Bureau's registration and materials database. The database allows management to assign and review the progress of the follow up for an event or groups of events. In addition to the database, an event folder is prepared to maintain hard copies of reports or correspondence related to the event. Certain fields have user rights assigned only to managers (i.e., event closeout). The development team and the Radioactive Materials Section Chief demonstrated the use of the database to the NRC staff. All events in 2003 are entered into the database. Pre-2003 events residing in another database have been imported into INCIDENT, but the information has not been updated. To date this year, the Bureau has received notification of approximately 140 incidents (majority of the incidents are related to trash calls and accelerators). It is recommended that this item be verified at the next IMPEP review.

2. The review team recommends that NYC, DOL and DOH draft and implement a method to ensure timely submittal of information to NRC and the Nuclear Materials Event Database (NMED) and implementation an effective procedure to identify, track and review all incident reports. (Section 3.5.5)

Current Status: The Bureau has reported three events to NMED since the last IMPEP review. The INCIDENT database includes specific fields for the identification and reporting of events that require reporting to the NRC. The NRC staff discussed the changes to the NMED database including fields to indicate if an event is closed or not. NRC staff also suggested that the Bureau view their events from the NMED web site externally to ensure that all information has been entered into the national database. It is recommended that this item be verified at the next IMPEP review.

3. The team recommends that each New York Agency (NYC, DOH, DEC, and DOL) develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility. (Section 4.1.3)

Current Status: The Bureau plans to update their regulations to incorporate the overdue and due NRC amendments. The Bureau met with their Radiological Health Advisory Board on November 4 to discuss the adoption of Part 35. The Bureau still has concerns with the Part 35 training and experience requirements, particularly those recently published in the Federal register for comments. Draft revisions to the regulations will be submitted to the Advisory Board in the near future. The anticipated time frame for the adoption of the regulations maybe a few years. This recommendation remains open.

Since the last IMPEP, a few of the technical staff have taken on new responsibilities in the Bureau. Cynthia Costello moved into the supervisor position for the Environmental Section but will still be involved in the Radioactive Materials Section. Jerry Collins, currently in the Radon program has started cross training in the Radioactive Materials Section. There are currently no unfilled positions in the Radioactive Materials Section, but the Radiation Equipment Section is in the process of hiring a new person. There have been no legislative changes that affected the Agreement State program. The Bureau is 100% fee funded with monies going to a dedicated fund. The radon and mammography programs are supported by federal funds.

Strengths identified by the program include their good working relationship with the regulated community, good internal support (i.e., INCIDENT database) and the Bureau's experienced staff. The program identified their cumbersome regulatory adoption process as a weakness. The Bureau staff noted STP efforts to improve NRC support for State programs and the improved level of communication and consultation with the States. The Assistant Program Manager noted that the Commission's decisions regarding Part 35 training and education issues were not in the best interest of States' ability to remain compatibility with the NRC.

The Bureau has expended a significant amount of resources on outreach programs for emergency preparedness which includes supporting local communities with training, procedures and calibration of radiological equipment made available by post-September 11 programs. The Bureau indicated that a significant amount of radiological equipment has made its way to the local levels throughout the State.

The NRC staff discussed the recent developments regarding the nominations for the two vacant Commission positions. Also discussed was the consolidation of the Region I and Region II materials programs, the status of the feline hyperthyroidism policy, the status of National Materials Program pilot projects, materials security issues as they impacted the States, changes in the NMED database and program and the potential impact of NRC's aging workforce (i.e., succession planning). NRC staff also highlighted the proposed changes to two documents that directly affect the IMPEP process: Management Directive 5.6 and STP Procedure SA-116. There was also a discussion of the recent GAO report on the security of radioactive materials, and the status of various proposals in Congress to amend the Atomic Energy Act.

The Assistant Program Manager indicated that the Bureau prepares monthly metrics and a report of programmatic highlights.

There were no allegations referred to the Bureau by NRC Region I since the last IMPEP.

The NRC staff indicated that next IMPEP of the New York Agreement State Program is scheduled for FY 2006. No issues were identified by NRC staff to change the scheduling of the next review.