

March 21, 2006

Ms. Jeanine Prud'homme
Assistant Commissioner
Bureau of Environmental Sciences
and Engineering
New York City Department of Health
125 Worth Street, Room 613
New York, NY 10013

Dear Ms. Prud'homme:

We have reviewed your Program Improvement Plan (Plan) submitted to this office as required by the heightened oversight process. In addition, we have taken into consideration information provided by your staff regarding the Plan, as part of the first heightened oversight call on March 14, 2006. The minutes from this call are enclosed. We believe your Plan meets the requirements of the heightened oversight process and have no comments.

The U.S. Nuclear Regulatory Commission's (NRC) Regional State Agreements Officers (RSAO), Sheri Minnick and Duncan White of the Region I Office, will continue to schedule bi-monthly calls with your staff. We request that you submit an updated status of the actions associated with the Plan, two weeks prior to each bi-monthly call.

Although your Program has been placed on heightened oversight due to overdue adoption of NRC rules, this action does not affect our finding that your Program is adequate to protect public health and safety. We appreciate the effort and the cooperation that you and your staff have shown during this process. I thank you for your continuing support of the New York Agreement State radiation control program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

Enclosure:
As stated

cc: Gene Miskin
New York City Department of Health

John P. Spath
New York State Energy Research
and Development Authority

J. Prudhomme

March 21, 2006

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**Minutes from the March 14, 2006 Heightened Oversight Call with the
New York City Department of Health**

March 14, 2006 4:00 p.m.

Attendees:

Gene Miskin, New York City Department of Health (NYCDOH)
Tobia Lickerman, NYCDOH
George Pangburn , U.S. Nuclear Regulatory Commission (NRC), Region I
Duncan White, NRC, Region I
Sheri Minnick, NRC, Region I
Kevin Hsueh, NRC, Office of State and Tribal Programs (STP)
John Zabko, NRC, STP
Sandra Lia, NRC, STP

Mr. George Pangburn asked for clarification of NYCDOH's statement that they had no licensees that required respiratory protection and therefore the NRC amendment, RATS ID # 1999-3, would not apply to any of their licensees. Mr. Gene Miskin confirmed their statement, but indicated that since they already have a respiratory rule that they are going to update the current rule to become compatible with the NRC. Mr. John Zabko explained that NYCDOH had the option of not adopting the rule since the State had no licensees effected by the rule.

Mr. Pangburn questioned the length of time it would take to complete the rulemaking action as stated in the Plan. Mr. Miskin indicated that the legislative process in the State is lengthy and the Plan represents a schedule they know they can meet. Mr. Pangburn indicated that the NRC understands that the legislation process is outside of NYCDOH's control and may take a long time to complete, however, the NRC will be looking for any of the work that NYCDOH has control over, to be completed as quickly as possible. Mr. Miskin indicated that they would move as fast they could to get the rules completed. Mr. Zabko indicated that STP will review the rules in an expedited manner to assist NYCDOH in completing their Plan.

Mr. Miskin and Mr. Tobias Lickerman requested clarification of the regulation submission process as stated in the NRC's SA-201 Procedure. Mr. Zabko discussed the regulation review process and offered the help of STP staff to assist NYCDOH in preparing their regulation submission package.

Mr. Pangburn summarized the NRC's heightened oversight process and discussed the various outcomes of the New York Integrated Materials Performance Evaluation Program scheduled in July 2006. NYCDOH had no questions.

The call ended at 4:30 p.m.