

CONFERENCE CALL SUMMARY WITH NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)

DATE OF CALL: June 22, 2006

ATTENDEES:

Duncan White, Region I
Dennis Rathbun, STP
Kevin Hsueh, STP
Barbara Youngberg, Chief, Radiation Section, DEC
Edward Dassatti, Bureau Director, DEC

BACKGROUND:

On November 2, 2005, the Management Review Board (MRB) met to consider the results of the April 2005 Periodic Management Meetings with the four New York agencies that implement the New York Agreement State program. The MRB requested that bimonthly conference calls be conducted between the appropriate New York and NRC staffs to discuss each agency's Program Improvement Plans (PIP) regarding their performance with compatibility requirements. This is the first conference call with DEC since the November 2005 MRB meeting.

DEC provided a Program Improvement Plan (PIP) in their letter dated January 27, 2006 to the NRC (ML060390293). The NRC approved the PIP in its March 21, 2006 letter (ML060830163). A status update to the PIP dated June 19, 2006 (ML061840597) was provided by DEC that summarized the progress achieved since January 2006.

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Ms. Youngberg indicated a rulemaking initiation memorandum (RIM) has been written and is moving through Department concurrence. Commissioner approval of the RIM is expected. As part of the RIM, the Section has prepared a concise summary of the updates and changes to the rules that are needed, including the NRC amendments required for adoption. Ms. Youngberg indicated that the delay in preparing the RIM should not affect the overall timetable outlined in the PIP.

The Section has two teams working on the revisions to their regulations based on the structure of the DEC regulations. The Part 380 team has prepared and reviewed a first draft of the revisions. The Part 384 team has prepared a first draft and will be reviewing it.

DEC did submit their Deliberate Misconduct Rule to NRC for review and will incorporate NRC's comments as part of the RIM.

During the next few months, the writing teams will be working on express terms, which is the actual language of the regulations, in addition to the supporting documentation needed for the rule making effort. A scoping meeting will be scheduled in July 2006. This is a coordinating meeting among several DEC programs and the Governor's Office of Regulatory Reform (GORR), to discuss the content of the rulemaking. Later in the summer, DEC will give stakeholders an opportunity to informally comment on the proposed changes. Ms. Youngberg indicated that DEC plans to submit a proposed rule to NRC in October.

IMPEP REVIEW

The next IMPEP review for New York was scheduled for July 25 - August 4, 2006. As a result of the consolidation of the Department of Labor Agreement State program into the State Health Agreement State program and subsequent conversations, the NRC issued a letter dated May 24, 2006 from STP to State Health in which the NRC agreed to the postponement of the IMPEP until October/November 2006. Mr. White indicated that the due date for the questionnaire is now mid-September 2006.

NEXT CALL

The next call will be the week of August 14, 2006.