

NEW YORK CITY DEPARTMENT OF HEALTH (NYC) HEIGHTENED OVERSIGHT
CONFERENCE CALL
January 27, 2009

NRC Attendees	New York City Department of Health Attendees
Jim Kottan, Region I RSAO	Gene Miskin, Director
Monica Orendi, FSME	Tobias Lickerman, Chief
Andrew Imoden, FSME	

SUMMARY

On February 8, 2007, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the New York Agreement State Program. The MRB requested that each of the New York agencies revise and resubmit its Program Improvement Plan (Plan) as part of the response to the IMPEP. Also it was requested that bimonthly conference calls be conducted between the appropriate New York and NRC staffs to discuss each agency's revised Plan regarding their performance with compatibility requirements. On November 29, 2007, a Periodic Meeting was held with the New York City Department of Health, Office of Radiological Health (NYC). Subsequent to this Periodic Meeting, the MRB met on March 24, 2008, to consider the findings of the Periodic Meeting. The MRB requested that calls between NYC and NRC staffs continue to be conducted quarterly to discuss NYC's revised Plan regarding their performance with compatibility requirements. This is the third quarterly conference call with NYC since the March 2008 MRB meeting. NYC provided their Plan and revisions to their Plan to the NRC via e-mail (ML072280086, ML072280098, ML081700395, ML081700396 and ML082950402).

NRC staff concluded that the NYC Plan is a reasonable and realistic approach to addressing the NYC compatibility requirements with NRC. NRC staff review concluded that the tasks, milestones, and assignments for finalizing each overdue or upcoming regulation appeared reasonable and achievable. NYC continues to move forward with the most recent version of their Plan, dated September 17, 2008. This version of the plan indicates that adoption of the regulations remains slightly behind schedule with a slippage of about three months.

The next Heightened Oversight conference call will take the form of a Periodic Meeting between NYC and NRC at the NYC location in late spring or summer 2009.

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Mr. Lickerman provided an overview of the NYC Plan. The "Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material" (RATS ID 2007-4) was approved for adoption on September 17, 2008. Also, the Board approved for adoption both "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments" (RATS ID 2004-1) and "Financial Assurance for Materials Licensees" (RATS ID 2003-1) on September 17, 2008. Mr. Lickerman noted that these regulations and the above Order have become final. NYC stated that regulations for the "Medical Use of Byproduct Material" (RATS ID 2002-2), the "Medical Use of Byproduct Material – Recognition of Specialty Boards" (RATS ID 2005-2) and "Minor Amendments" (RATS ID 2006-1) are approximately three months behind schedule with publication of the Notice of Adoption expected in summer 2009.

Mr. Lickerman stated that on January 8, 2009 NYC had provided to the NRC their proposed license conditions for implementation of the National Source Tracking System (NSTS) as required by 10 CFR 20.2207. NRC responded to NYC in a letter dated January 22, 2009 that the proposed NSTS license condition met the compatibility requirements in FSME Procedure

SA-200. NYC will amend the required licenses to implement the NSTS regulation. NYC also noted that a new assistant scientist has joined the staff, and this individual will be trained to perform IC inspections.

The NYC process for finalizing regulations consists of a step-by-step process that includes the review by and/or approval of various entities (i.e., General Counsel, NRC, Board of Health, general public). NYC is continuing to coordinate each task involved in the process with the appropriate contacts in order to implement the regulations in a timely manner.