

NEW YORK STATE DEPARTMENT OF HEALTH HEIGHTENED OVERSIGHT  
CONFERENCE CALL  
April 30, 2009

<b>NRC Attendees</b>	<b>New York State Department of Health Attendees</b>
James Kottan, Region I RSAO	Adela Salame-Alfie, Assistant Division Director
Michelle Beardsley, FSME	Stephen Gavitt, Bureau Director
	Robert Dansereau, Assistant Bureau Director
	Charles Burns, Radioactive Materials Section Chief

## **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 28, 2007, a Periodic Meeting was held with the New York State Department of Health (DOH). 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 DOH and NRC staffs continue to be conducted quarterly to discuss DOH's revised Plan regarding their performance with compatibility requirements. This is the fourth quarterly conference call with DOH since the March 2008 MRB meeting. DOH provided their Plan and revisions to their Plan to the NRC via e-mail (ML072280131, ML072280140, ML072840063, ML072840069, ML091271106, and ML091271108).

NRC staff concluded that the DOH Plan is a reasonable and realistic approach to addressing the DOH 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. DOH continues to move forward with the most recent version of their Plan, dated April 30, 2009, although the schedule has slipped by about a year due to concentrating efforts on drafting regulations for the fingerprinting requirements.

The next Heightened Oversight conference call will take the form of a Periodic Meeting between the DOH and NRC at the DOH location in July 2009.

## **DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS**

Mr. Gavitt provided an overview of the DOH Plan. DOH plans to have the draft regulations completed by June 2009. After the draft regulations are reviewed they will proceed through the New York State approval process with an anticipated final adoption in the third quarter of 2010. Additionally, DOH continues to work on the regulation to implement the "Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material" (RATS ID 2007-4). DOH anticipates that this regulation will be adopted by July 2009. The State is required to impose the fingerprinting requirements via regulations as opposed to Order or license condition, so the process of putting these requirements in place is much more tedious. The State has enacted an emergency regulation for fingerprinting. The emergency regulation will be in place (in parallel) while the fingerprinting regulation proceeds through the approval process. The emergency fingerprinting regulation became effective on November 18, 2008. Because the work on the fingerprinting regulation required a large effort on their part, work on the other regulations identified in the Plan slowed. Therefore, the Plan was adjusted to provide more time to work on the other required regulations.

Mr. Gavitt stated that although there are budget constraints within State government relative to travel and staffing, the radioactive materials program is adequately staffed and able to meet program requirements.