

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION HEIGHTENED
OVERSIGHT CONFERENCE CALL
October 26, 2009

NRC Attendees	New York State Department of Environmental Conservation Attendees
James Kottan, Region I RSAO	Sandra Hinkel, Chief, Radiation Control Permit Section
Monica Orendi, FSME	Jessie Lynch, Environmental Program Specialist
	David O'Toole, Assistant Director, Division of Solid and Hazardous Materials
	Timothy Rice, Chief, Radiological Sites Section

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 27, 2007, a Periodic Meeting was held with the New York State Department of Environmental Conservation (DEC). 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 DEC and NRC staffs continue to be conducted quarterly to discuss DEC's revised Plan regarding their performance with compatibility requirements. This is the fifth quarterly conference call with DEC since the March 2008 MRB meeting. DEC provided their Plan and revisions to their Plan to the NRC via e-mail (ML0722801101, ML0722801160, ML080310348, ML080310358, ML083020548, ML090230252, ML090230262, ML091250060, ML091250062, ML093060036 and ML093060037).

NRC staff concluded that the DEC Plan is a reasonable and realistic approach to addressing the DEC 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. DEC continues to move forward with the most recent version of their Plan, dated October 15, 2009, although the schedule has slipped by about three to five months due to the workload in the Department, and other Department priorities.

The next Heightened Oversight conference call will take place in January 2010.

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Ms. Hinkel and Mr. Rice provided an overview of the DEC Plan. Mr. Rice stated that the recent revision to the Plan delayed the completion date for the proposed new 6NYCRR Part 384, to address the License Termination Rule (LTR) (RATS ID 1997-6 and 1994-3) by about five months. Initial outreach efforts for adopting the LTR have been completed. Comments have been received from affected parties, and DEC has prepared responses to the comments. Supporting documents have been prepared, and the internal review and approval of the supporting documents and draft express terms is ongoing. The outreach process is expected to be completed within the next several weeks. The LTR will continue through the New York State approval process with a final anticipated adoption in September 2010.

Ms Hinkel stated that work on the New York regulations (6NYCRR Part 380) which include the following amendments: "Notification of Incidents" (RATS ID 1991-4), "Radiation Protection Requirements" (RATS ID 1995-5), "Deliberate Misconduct by Unlicensed Persons" (RATS ID 1998-1), "Minor Corrections, Clarifying Changes and a Minor Policy Change" (RATS ID 1998-5), "Revision of the Skin Dose Limit" (RATS ID 2002-1), "Expanded Definition of Byproduct Material" (RATS 2007-3), and "Total Effective Dose Equivalent" (RATS 2008-1) also continues. A preliminary draft of the initial outreach effort has been completed. The outreach letter has been drafted and has undergone legal review and management review, and DEC is preparing for its initial public outreach. The anticipated time for final adoption of the Part 380 regulations is summer of 2011. DEC continues to move forward on the regulations and continues to coordinate with the New York City Department of Health and the New York State Department of Health to ensure consistency in the adoption of regulations. Budget constraints within DEC continue, and two Program staff vacancies remaining unfilled. However, Ms. Hinkel and Mr. Rice stated that the budget constraints have not impacted the Program's ability to conduct inspections and issue permits. DEC anticipates no significant hurdles in completing and adopting the final regulations.