

NEW YORK CITY DEPARTMENT OF HEALTH (NYC) HEIGHTENED OVERSIGHT
CONFERENCE CALL
April 27, 2010

NRC Attendees	New York City Department of Health Attendees
James Kottan, Region I RSAO	Chris Boyd, Assistant Commissioner
Monica Orendi, FSME	Gene Miskin, Director
Michelle Beardsley, FSME	Tobias Lickerman, Chief
Duncan White, 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. On July 16, 2009 another Periodic Meeting was held with NYC. The MRB met on January 7, 2010 to consider the findings of this 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 first quarterly conference call with NYC since the January 2010 MRB meeting. NYC provided their Plan and revisions to their Plan to the NRC via e-mail (ML072280086, ML072280098, ML081700395, ML081700396 and ML082950402) and during a Periodic Meeting held on July 16, 2009 (ML092100609).

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 July 15, 2009. This version of the plan indicates that adoption of the regulations remains slightly behind schedule with a slippage of about ten months from the dates given during the previous quarterly call.

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

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Mr. Miskin and Mr. Lickerman provided an overview of the NYC Plan. The 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 behind schedule with the Plan provided to the NRC during the July 16, 2009 Periodic Meeting. Currently publication of the Notice of Adoption is expected by October 2010. These are the final three overdue regulations due for adoption by NYC. Mr. Miskin stated that the additional delay in adopting these regulations was due to the need to coordinate the medical use regulations with the New York State Department of Health (NYDOH). Periodic meetings are held between NYC and NYDOH to discuss regulations that require coordination between the two agencies.

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.

Mr. Miskin stated that NYC is being proactive in addressing regulations that will be due in the future and will begin to address the regulations that will be coming due in 2010. Mr. Miskin also stated that there have been essentially no changes to the Program since the Periodic Meeting in July 2009. There are no licensing backlogs, and no overdue inspections. The program is fully staffed. Mr. Miskin did state, however, that potential future budget issues may affect the Program. NYC recently met with CDC regarding security enhancements for biological facilities and noted that some of these security enhancements may have applicability to NYC and NRC licensees in addition to those required by NRC. NYC provided the CDC contact information to the NRC.