NEW YORK STATE DEPARTMENT OF HEALTH HEIGHTENED OVERSIGHT
CONFERENCE CALL
April 13, 2010

NRC Attendees	New York State Department of Health Attendees
James Kottan, Region I RSAO	Adela Salame-Alfie, Assistant Division Director
Michelle Beardsley, FSME	Stephen Gavitt, Bureau Director
Monica Orendi, FSME	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. On July 29, 2009 another Periodic Meeting was held with DOH. The MRB met on January 7, 2010 to consider the findings of this 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 first quarterly conference call with DOH since the January 2010 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. There has been no change in the planned implementation of the regulations, scheduled for the third quarter of 2010.

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

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Mr. Dansereau provided an overview of the DOH Plan. The DOH Plan remains on schedule at the present time with a scheduled implementation date for the overdue regulations during the third quarter of 2010. DOH is coordinating regulations development with the New York City Department of Health and Mental Hygiene where necessary. Also, since the last quarterly conference call, DOH has submitted to NRC for review the following license conditions and/or regulations:

●"Criteria for the Release of Individuals Administered Radioactive Material," 10 CFR Parts 20 and 35 (62 FR 4120), that became effective on May 29, 1997, and was due for Agreement State adoption by May 29, 2000. (RATS ID 1997-3)

●"Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations," 10 CFR Parts 30, 34, 71, and 150 (62 FR 28947), that became

effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000. (RATS ID 1997-5)

●"Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations," 10 CFR Part 34 (63 FR 37059), that became effective on July 9, 1998, and was due for Agreement State adoption by July 9, 2001. (RATS ID 1998-4)

●"Energy Compensation Sources for Well Logging and Other Regulatory Clarifications," 10 CFR Part 39 (65 FR 20337), that became effective on May 17, 2000, and was due for Agreement State adoption by May 17, 2003. (RATS ID 2000-1)

●"New Dosimetry Technology," 10 CFR Parts 34, 36, and 39 (65 FR 63749), that became effective on January 8, 2001, and was due for Agreement State adoption by January 8, 2004. (RATS ID 2000-2)

●"Medical Use of Byproduct Material," Parts 20, 32 and 35 (67 FR 20249), that became effective on October 24, 2002, and was due for Agreement State adoption by October 24, 2005. (RATS ID 2002-2)

●"Medical Use of Byproduct Material - Recognition of Specialty Boards," 10 CFR Part 35 (70 FR 16336; 71 FR 1926), that became effective on April 29, 2005, and is due for Agreement State adoption by April 29, 2008. (RATS ID 2005-2)

●"Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 (71 FR 15005), that became effective on March 27, 2006, and is due for Agreement State adoption by March 27, 2009. (RATS ID 2006-1)

●"Medical Use of Byproduct Material – Minor Corrections and Clarifications," 10 CFR Parts 32 and 35 (72 FR 45147; 72 FR 54207), that became effective on October 29, 2007, and is due for Agreement State adoption by October 29, 2010. (RATS ID 2007-1)

●"Medical Use of Byproduct Material – Authorized User Clarification," 10 CFR Part 35 (74 FR 33901), that became effective on September 28, 2009, and is due for Agreement State adoption by September 28, 2012. (RATS ID 2009-1)

The above regulations are under review by NRC.

Mr. Dansereau stated that the following regulations would be submitted to the NRC for review shortly:

●"Minor Corrections, Clarifying Changes, and a Minor Policy Change," 10 CFR Parts 20, 30, 40, and 70 (63 FR 39477, 63 FR 45393), that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001. (RATS ID 1998-5)

●"Revision of the Skin Dose Limit," 10 CFR Part 20 (67 FR 16298), that became effective on April 5, 2002, and was due for Agreement State adoption by April 5, 2005. (RATS ID 2002-1)

Mr. Dansereau also stated that the following additional regulations would be submitted to the NRC for review subsequent to the submittal of the above regulations.

● "Termination or Transfer of Licensed Activities: Recordkeeping Requirements," 10 CFR Parts 20, 30, 40, 61, and 70 (61 FR 24669), that became effective on June 17, 1996, and was due for Agreement State adoption by June 17, 1999. (RATS IS 1996-3)

●“Radiological Criteria for License Termination,” 10 CFR Parts 20, 30, 40, and 70 (62 FR 39057), that became effective on August 20, 1997, and was due for Agreement State adoption by August 20, 2000. (RATS ID 1997-6)

●“Financial Assurance for Materials Licensees,” 10 CFR Parts 30, 40, and 70 (68 FR 57327), that became effective on December 3, 2003, and was due for Agreement State adoption by December 3, 2006. (RATS ID 2003-1)

DOH will continue to send license conditions and regulations to the NRC for review.

Mr. Gavittt provided an overview of the current status of the DOH Agreement State Program. Three staff have retired from the Bureau, and these positions have been eliminated from the Bureau organization due to budget constraints. Also as noted previously, Nassau County will no longer do X-Ray inspections for the DOH. The retirements and return of the Nassau County X-Ray inspections to DOH will place a strain on the Bureau. However, Mr. Gavitt stated that the Agreement State Program continues to function with no major backlogs. Core inspections are being completed on time. However, license renewals are being given a low priority by the Program.

Mr. Gavitt stated that although there are budget constraints within State government relative to travel and staffing, the radioactive materials program is able to meet program requirements. He will continue to provide updates on the status of any program impacts due to budget constraints.