

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
PROGRAM IMPROVEMENT PLAN**

Regulation	Tasks	Milestones	Assignment	Anticipated Completion Date	Status/Completion Date
Minor Corrections, Clarifying Changes, and a Minor Policy Change (63 FR 39477, 63 FR 45393) RATS ID 1998-5	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman	Jan, 2013	Identified §175 sections for insertion of CFR text 12/19/12. Inserted CFR text, 12/21/12 - full editing required. Completed end Jan, 2013. Sent to GC 02/04/2013
Minor Corrections... Due date for State Adoption – 10/26/01	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Feb, 2013	Sent to State 02/04/2013. Requested response March, '13
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Feb, 2013	Sent to NRC 02/04/2013 Requested response March, '13 Received NRC comments 3/29/13
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Jun, 2013	Incorporated NRC comments in NOI 04/16/13. Expect to present to Board of Health June, 2013
	Rule published for public comment	Reconcile comments	Lickerman	Jul, 2013 - Sept, 2013	Notice of Intention approved by Board for publication for public comment period 06/28/13
	Review comments from State and FSME	Incorporate all comments	Lickerman	Jul, 2013 - Sept, 2013	Comments incorporated July, 2013
	Hold public hearing	Incorporate comments	Office of GC	Aug, 2013	Public hearing held 8/12/13. No comments submitted. No member of the public appeared.
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	Sep, 2013	Notice of Adoption (final rule) approved by Board 09/10/13
	Publish Notice of Adoption in City Record			Sep, 2013	Published final rule in City Record Sept, 2013
	Submit final published rule to FSME for review.			Sep, 2013	
Transfer for Disposal and Manifests; Minor Technical Conforming Amendment (63 FR 50127) RATS ID 1998-6	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman & Hayes	Jan, 2013	Identified §175 sections for insertion of CFR text 12/19/12. Inserted CFR text, 12/20/12 - full editing required. Completed Jan 30, 2012. Jan, 2013. Sent to GC 04/04/2013.
Transfer for Disposal and Manifests... Due date for State Adoption – 11/20/01	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Feb, 2013	Sent to State 02/04/2013. Requested response March, '13
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Feb, 2013	Sent to NRC 02/04/2013 Requested response March, '13 Received NRC comments 3/29/13, no comments.

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	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Jun, 2013	Incorporated NRC comments in NOI 04/16/13. Expect to present to Board of Health June, 2013
	Rule published for public comment	Reconcile comments	Lickerman	Jul, 2013 - Sept, 2013	Notice of intention approved by Board for publication for public comment period 06/28/13
	Review comments from State and FSME	Incorporate all comments	Lickerman	Jul, 2013 - Sept, 2013	Comments incorporated July, 2013
	Hold public hearing	Incorporate comments	Office of GC	Aug, 2013	Public hearing held 8/12/13. No comments submitted. No member of the public appeared.
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	Sep, 2013	Notice of Adoption (final rule) approved by Board 09/10/13
	Publish Notice of Adoption in City Record			Sep, 2013	Published final rule in City Record Sept, 2013
	Submit final published rule to FSME for review.			Sep, 2013	
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 (72 FR 58473) RATS ID 2007-2	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman & Hayes	Sept, 2012	Filled in all sections in CFR Summary of Change sheets where NYC Code amendments to be located (completed Feb, 2012). Started CFR insertions in NYC Code, July, 2012. Draft substantially complete. 9/21/12. Submitted to GC.
Exemptions From Licensing, Due date for State Adoption – 12/17/2010	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Oct, 2012	Sent completed draft copy to NYS Health, DEC. September 25, 2012. Request comment period to accommodate Oct transmittal to NRC. Response from DEC, 09/28/12 - No comments
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Oct, 2012	Submitted to FSME for comment, Nov. 19, 2012. Requested Jan. 13 reply. Received NRC comments Jan. 28, 2013
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Feb, 2013	Draft NOI completed Feb, 2013. NOI includes incorporated NRC comments. Comments from City Law currently under review as of 04/02/13. Completed 03/29/13
	Rule published for public	Reconcile comments	Lickerman	Mar, 2013 - May, 2013	Notice of Public Hearing approved

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	comment				for publication by Board of Health 04//12/13. Published in City Record 04/22/13.
	Review comments from State and FSME	Incorporate all comments	Lickerman	Mar, 2013 - May, 2013	
	Hold public hearing	Incorporate comments	Office of GC	Apr, 2013	Public hearing scheduled May 24, 2013
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	June, 2013	Notice of Adoption (final rule) approved by Board 06/28/13
	Publish Notice of Adoption in City Record			June, 2013	
	Draft and submit to General Counsel	Prepare draft language for regulation and submit to GC	Lickerman & Santiago	Sept, 2012	Filled in all sections in CFR Summary of Change sheets where NYC Code amendments to be located (completed Feb, 2012). Started CFR insertions in NYC Code, July, 2012. Completed draft insertions 09/11/2012. Submitted completed draft to GC, 09/13/12
Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864; RATS ID 2007-3	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Oct, 2012	Sent completed draft copy to NYS Health, DEC. September 13, 2012. Request 30 day comment period
	Submit to FSME for review	FSME review (60 day turnaround)	FSME	Oct, 2012	Submitted to FSME for comment, Nov. 19, 2012. Requested Jan. '13 reply. Received NRC comments Jan. 28, 2013.
	Obtain FSME approval	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Mar, 2013	Draft NOI completed Feb, 2013. NOI includes incorporated NRC comments. Comments from City Law currently under review as of 04/02/13. Completed 03/29/13
	Prepare proposed rule for Board	Reconcile comments	Lickerman	Mar, 2013 - May, 2013	Notice of Public Hearing approved for publication by Board of Health 04//12/13. Published in City Record 04/22/13.
	Rule published for public comment	Incorporate all comments	Lickerman	Mar, 2013 - May, 2013	
	Review comments from State and FSME	Incorporate comments	Office of GC	Apr, 2013	Public hearing scheduled May 24, 2013
	Hold public hearing				

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Regulation	Tasks	Milestones	Assignment	Anticipated Completion Date	Status/Completion Date
	Prepare final rule language Publish final rule in City Record	Present to Board for Approval	Lickerman & Office of GC	June, 2013 June, 2013	Notice of Adoption (final rule) approved by Board 06/28/13
Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 RATS ID 2008-1	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman	Dec, 2012	Filled in all sections in CFR Summary of Change sheets where NYC Code amendments to be located; Started CFR insertions in NYC Code; Completed draft insertions 12/12/12. Submitted completed draft to GC, 12/12/12.
Occupational Dose Records, Due date for State Adoption – 02/15/2011	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Jan, 2013	Sent completed draft copy to NYS Health, DEC. December 14, 2012. Request comments by Feb. 2013
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Jan, 2013	Submitted to FSME for comment, Dec 14, 2012. Requested Feb. '13 reply. Received NRC comments Feb. 13, 2013
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	May, 2013	NRC comments incorporated Feb 14, 2013. Sent to GC 03/15/13. Incorporated NRC comments in NOI 04/16/13. Expect to present to Board of Health June, 2013
	Rule published for public comment	Reconcile comments	Lickerman	June, 2013 - Aug, 2013	Notice of intention approved by Board for publication for public comment period 06/28/13
	Review comments from State and FSME	Incorporate all comments	Lickerman	June, 2013 - Aug, 2013	Comments incorporated July, 2013
	Hold public hearing	Incorporate comments	Office of GC	July, 2013	Public hearing held 8/12/13. No comments submitted. No member of the public appeared.
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	September, 2013	Notice of Adoption (final rule) approved by Board 09/10/13
	Publish Notice of Adoption in City Record			September, 2013	Published final rule in City Record Sept, 2013
	Submit final published rule to FSME for review.			Sep, 2013	
Medical Use of Byproduct Material - Authorized User	Prepare draft language	Prepare draft language for regulation and submit to GC for	Santiago	March, 2013	Identified §175 sections for insertion of CFR text 12/18/12.

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Regulation	Tasks	Milestones	Assignment	Anticipated Completion Date	Status/Completion Date
Clarification RATS ID 2009-1	in collaboration w NYS Health	preliminary approval			Inserted CFR sections 02/15/13. Required editing in progress Feb 3013. Editing completed 03/12/13. When editing fully finished, found no changes required. Sent complete draft to GC 03/13/13. No changes to Article 175 pursuant to this RATS 2009-1
Medical Use ... Authorized User Clarification Due date for State Adoption – 09/28/2012	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Apr, 2013	Sent completed package to NYS Health, DEC 03/13/13. Request comments by May. 2013
	Submit to FSME for review Obtain FSME approval	FSME review (60 day turnaround)	FSME	Apr, 2013	Sent completed package to NRC 03/13/13. Request comments by May. 2013
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) to General Counsel and Notice of Intention (NOI) to Board	Lickerman & Office of GC	Aug, 2013	
	Rule published for public comment	Reconcile comments	Lickerman	Sept, 2013 - Nov, 2013	
	Review comments from State and FSME	Incorporate all comments	Lickerman	Sept, 2012 - Nov, 2013	
	Hold public hearing	Incorporate comments	Office of GC	Oct, 2013	
	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman	Dec, 2013	
	Prepare final rule language Publish final rule in City Record	Present to Board for Approval	Lickerman & Office of GC	Dec, 2013	
Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 RATS ID 2011-2	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman	March, 2013	RATS ID # 2011-2 deals with construction, site preparation of well logging, U-mills. Not applicable to NYCDOHMH.
Licenses, Certifications, ... Due date for State Adoption –	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Apr, 2013	

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Regulation	Tasks	Milestones	Assignment	Anticipated Completion Date	Status/Completion Date
11/14/2014					
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Apr, 2013	
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Aug, 2013	
	Rule published for public comment	Reconcile comments	Lickerman	Sept, 2013 - Nov, 2013	
	Review comments from State and FSME	Incorporate all comments	Lickerman	Sept, 2013 - Nov, 2013	
	Hold public hearing	Incorporate comments	Office of GC	Oct, 2013	
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	December, 2013	
	Publish Notice of Adoption in City Record			December, 2013	
Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512 RATS ID 2011-1	Prepare draft language in collaboration w NYS Health	Prepare draft language for regulation and submit to GC for preliminary approval	Lickerman, Hayes	March, 2013	
Decommissioning Planning Due date for State Adoption – 12/17/2015	Send to State Programs for comment	Review by State Health, DEC (30-day turnaround)	State Health, State DEC	Apr, 2013	
	Submit to FSME for review. Obtain FSME approval.	FSME review (60 day turnaround)	FSME	Apr, 2013	
	Prepare proposed rule for Board	Prepare and submit Certificate of Necessity (CON) and rule language done	Lickerman & Office of GC	Aug, 2013	
	Rule published for public comment	Reconcile comments	Lickerman	Sept, 2013 - Nov, 2013	
	Review comments from State and FSME	Incorporate all comments	Lickerman	Sept, 2013- Nov, 2013	
	Hold public hearing	Incorporate comments	Office of GC	Oct, 2013	
	Prepare final rule language	Present to Board for Approval and Publication	Lickerman & Office of GC	December, 2013	
	Publish Notice of			December, 2013	

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Regulation	Tasks	Milestones	Assignment	Anticipated Completion Date	Status/Completion Date
Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 RATS ID 2002-2	Adoption in City Record Submit to FSME for review. Obtain FSME approval.				Final Regulation Filed with NRC 05/13/11
Medical Use of Byproduct Material		NRC Reviews Final Regulation			Final Regulation reviewed by NRC With Comments 07/07/2011 ML111580570
Due date for State Adoption – 10/24/2005			Prepare final regulation with NRC comments incorporated		Final Regulation with NRC comments incorporated approved by Board of Health, September, 2011 (*See Note below)
Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste RATS ID 2012-2	Incorporate NRC comments into final regulation				RATS ID 2012-2 deals with advance notification to governor or Native American tribes of transportation of certain types of nuclear waste and irradiated reactor fuel. This would not apply to NYC DOHMH.
Advance Notification to Native American tribes					
Due date for State Adoption – NYC August 10, 2015					
Technical Corrections - Parts 30, 34, 40, and 71 RATS ID 2012-3					Technical Corrections – RATS ID 2012-3 deals with requirements for industrial radiography and uranium mills. This would not apply to NYC DOHMH.
Technical Corrections – Parts 30...					
Due date for State Adoption –					

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08/06/15					
Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70 77 FR 43666 RATS ID 2012-4					RATS ID 2012-12 deals with requirements to manufacture and distribution commercial and industrial devices containing byproduct material. Not regulated by NYS DOHMH
Requirements for Distribution of Byproduct Material, Parts 30, Due date for State Adoption – 10/23/15					
Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73 RATS ID 2013-1					New Part 37 concerns physical protection of Increased Control category material. Implementation required. See 78FR16922
Physical Protection of Byproduct Material, 10 CFR Due date for State Adoption – 03/19/16					

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*Note –

- Medical Use of Byproduct Material Parts 20, 32, 35 (RATS ID 2002-2)
- [https://nrc-stp.ornl.gov/controls/ictoolbox.html%20Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35](https://nrc-stp.ornl.gov/controls/ictoolbox.html%20Medical%20Use%20of%20Byproduct%20Material%20-%20Recognition%20of%20Specialty%20Boards%20Part%2035) (RATS ID 2005-2);
- Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 (RATS ID 2006-1); and
- Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 (RATS ID 2007-1)

Were all addressed and reviewed together in one submittal to NRC; all approved by Board of Health September, 2011