

**Comments on the IMPEP Review of the New York Agreement State Program  
March 12-23 Draft Report  
Submitted by the NYS Department of Environmental Conservation**

## EXECUTIVE SUMMARY

In the fourth paragraph, in the sentence that states, “Additionally, to fill vacancies, the DOH...” add “and DEC.” The sentence continues to read, “...is required to apply for approval, in the form of a “vacancy waiver” with the State of New York Governor’s Office.”

## 2.0 PREVIOUS IMPEP REVIEW AND STATUS OF RECOMMENDATIONS

On page 4, the second paragraph states, “Of the overdue rules, four are incorporated into the amendment of Title 6 of New York Codes, Rules and Regulations Part 380 (NYCRR Part 380), “Prevention and Control of Environmental Pollution by Radioactive Materials,” which is expected to be finalized by May 2018.” This sentence needs to be revised to reflect the fact the amendment to Part 380 became effective on May 10, 2018.

## 3.0 COMMON PERFORMANCE INDICATORS

On page 7, the last sentence of the third paragraph states, “Staff training often includes a lead inspector accompanied by a second staff person; that second staff person becomes the lead inspector for the next inspection of the permit.” This sentence should be revised to state, “Staff training includes new inspectors accompanying more experienced lead inspectors; the new inspectors then become the lead inspector while being accompanied by a more experienced inspector.”

On page 12, in the second paragraph, between the second and third sentences, add the following sentence, “The DEC has portable MCAs located in Albany and its Buffalo Regional office.”

## 4.0 NON COMMON PERFORMANCE INDICATORS

On page 17, the second to last sentence in the first paragraph states, “The DEC requires a permit for release of radioactive material to the environment, including the disposal of radioactive material, for all radioactive material.” This sentence should be revised to state, “The DEC requires a permit for environmental releases of radioactive material, including releases to ground or surface water, releases to the air above a specified threshold, incineration, and environmental studies.”

On page 19, the third paragraph states, “There are eight overdue NRC amendments which need to be adopted by DEC. Of the overdue rules, four are incorporated into the amendment of 6 NYCRR Part 380, which is expected to be finalized by May 2018.” This sentence should be revised to reflect the fact the amendment to Part 380 became effective on May 10, 2018. The paragraph then continues to read,

“Two other overdue regulations will be adopted as the new 6 NYCRR Part 384, which is expected to be submitted for executive approval in 2018. The last two overdue rules are to be incorporated into 6 NYCRR Part 381, which will be developed later.”

On page 23, the second sentence of the last paragraph refers to the DEC’s “Radiological Sites Section (RSS).” In February, the section’s name was changed to “Radioactive Materials Management Section.”