



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

APR 25 1980

Ref: SA/LAB

Honorable Philip Ross
Industrial Commissioner
New York State Department of Labor
2 World Trade Center
New York, New York 10047

Dear Mr. Ross:

This confirms the discussion Mr. Bolling held with Mr. Mattei and Dr. Bradley, following our recent review of the New York State Department of Labor's radiation control program. The review covered the principal administrative and technical aspects of the Department's program. This included an examination of the program's funding and personnel resources; examination of the emergency response capabilities for agreement materials; and the status of the State's radiation control regulations. There was also a review of selected licensing, inspection and enforcement activities. In addition, there were field accompaniments of two program personnel during licensee inspections.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission and the State, the staff believes that the State's program for regulation of agreement material is adequate to protect the public health and safety and is compatible with NRC's program for the regulation of similar material. We believe however, that improvements may be made in reducing the number of overdue inspections.

The program's staff has reported that the number of overdue inspections as of March 1980 was 135. This compares with 28 overdue inspections noted in 1978 and 82 overdue inspections in 1979. This steady increase in the number of overdue inspections is of concern to us. The program's staff attributes this increase in overdue inspections to manpower expended to investigate certain radiation incidents and to time lags in filling personnel vacancies.

We recommend that vacant positions be filled as soon as possible and that prompt efforts be made to reduce the number of overdue inspections, especially the 26 that are in priority I.

I would appreciate your review of our recommendations and receiving your specific plans for their implementation.

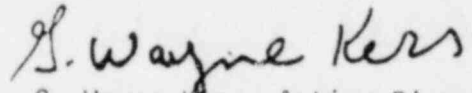
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Honorable Philip Ross

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A letter to Dr. Bradley regarding the technical aspects of the program review is enclosed for your information. I am also enclosing a copy of this letter for placement in the State Public Document Room, or otherwise be made available for public review.

Sincerely,



G. Wayne Kerr, Acting Director
Office of State Programs

Enclosures:
As stated

cc: C. Mattei)
F. Bradley)
T. DeBoer) w/enclosures
NRC Public Document Room)
State Public Document Room)