



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

MAY 27 1981



Mr. Michael Del Guidice, Director  
Policy Management  
Office of the Secretary to the  
Governor  
Albany, New York 12224

Dear Mr. Del Guidice: *Michael*

During the week of May 11-15, 1981 NRC representatives, Messrs. J. McGrath and C. Gordon, conducted a complete review and evaluation of the New York State Department of Health's radiation control program. The review covered the principal administrative and technical aspects of the Department's program and included an examination of the program's funding and personnel resources; licensing, inspection, and enforcement functions; emergency response capabilities; and the status of the Department's radiation control regulations. As part of the inspection program review, our representatives accompanied Department inspectors on inspections of New York licensees. On May 15, our representatives, met with Dr. David Axelrod and his staff to discuss the results of the review.

During our meeting with you on January 29, 1981 we discussed our concerns about the Department's program resulting from our 1980 reviews. At that time we expressed our belief that the critical nature of our findings warranted prompt action by the State. During the current review we noted improvements in staffing. The addition of two new staff professionals and the reassignment of other staff back to the radioactive materials program has increased the staffing level from 0.43 person-years per 100 licenses in December 1980 to 0.74 person-years per 100 licenses as of May 1981. We believe that this staff level, although minimal, should be sufficient to sustain the program. Our recommended staffing level is 1 to 1.5 person-years per 100 licenses.

A continuing area of concern as disclosed during this review was the number of overdue inspections. During our December 1980 review the inspection backlog was reported to be 77. During this review, the backlog was reported to be 126. This is a 64% increase in less than six months. In the NRC "Guide for Evaluation of Agreement State Programs," the status of the inspection program is a Category I indicator, i.e., affecting a State's ability to adequately protect the public health and

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safety. The reduction of this inspection backlog must be given a high priority by the Department. Special attention must be given to conducting inspections of those licenses in inspection Priority I which are overdue.

During previous reviews of the Department's program we have expressed concern about the operational aspects of the Regional/Area offices. Our current review indicates that the lines of communication, administrative control, and technical supervision are still unclear. There is a lack of uniformity in some inspection policies and procedures, and administrative support varies significantly. We recommend that the Department's procedures manual, specifically procedure RAD 324 "Inspection of Radioactive Materials Installations," be rewritten. The procedures should specify the duties and responsibilities of the Regional/Area offices with regard to the radiation control program, as well as those of the central Albany office. The procedures should state who has the responsibility for setting inspection priorities and goals and providing technical supervision of inspections. The procedures also should clearly delineate inspection policies, such as the conduct of unannounced inspections, the documentation of inspection findings, and enforcement policy. Further, there should be clear Departmental direction provided in writing which addresses the administrative needs of the regional staff such as secretarial and clerical support and transportation requirements of inspectors. Such directives should be developed in consultation with the Regional Directors.

Our staff was unable to obtain information on the radiation control program operating budget. It is our understanding that the Department of Health no longer lists radiation control as a line item. This has caused some difficulties in regard to the purchase of needed equipment. We believe Agreement States should establish a specific operating budget for radiation control. Program management must assess workload trends and forecast needs in personnel and other resources to meet program goals. A specific operating budget allows program management to set realistic goals with the assurance that resources will be available to meet those goals.

I am enclosing a copy of our letter to Mr. Davidoff concerning the technical aspects of the Department's program. I am also enclosing a second copy of both letters which should be placed in the State public document room or otherwise be made available for public review.

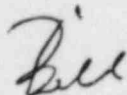
We still believe that the nature of our findings warrants the attention of senior state management in order to assure that the Department's program is effective in protecting the public health and safety. We

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would appreciate an early response indicating the specific steps the State plans to take to resolve the problems discussed above. Also we would appreciate hearing of New York's long-term plans for the Agreement program.

Sincerely,



William J. Dircks  
Executive Director  
for Operations

Enclosures:  
As stated

cc: Mr. D. Axelrod, w/encl.  
Mr. J. Dunkelberger, w/encl.  
State Public Document Room, w/encl.  
NRC Public Document Room, w/encl.  
Mr. D. Davidoff, w/o encl.

Agreement States Program  
N.Y. file