



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

March 24, 1994

Mr. Eugene J. Gleason
Deputy Commissioner for Operations
New York State Energy Office
Empire State Plaza, Building 2
Albany, NY 12223

Dear Mr. Gleason:

This is in response to your November 15, 1993 letter regarding the status of the New York radiation control programs (RCPs). During our meeting on February 10, 1994, we discussed the November 15 letter and the actions being taken by each program to address comments and recommendations resulting from our 1992 routine review. Based on your letters and our discussion, we are aware of and recognize the continued efforts of the RCPs to address our findings. We especially recognize the efforts made by the various programs' staffs to draft and proceed forward with implementation of compatible regulations, particularly with respect to 10 CFR Part 20 equivalent rules, as discussed in your December 8, 1993 letter. We recognize that most regulations are in their final stages of development and encourage the programs to complete the adoption process for all regulations required for compatibility. We plan, as part of our next review of the New York programs, scheduled for the October time frame, to assess the status of the individual radiation control programs' activities to address the comments and recommendations and at that time, we will make an overall determination of compatibility of the New York programs.

In addition, we would like to respond to a comment made in your November 15, 1993 letter. In your letter, you pointed out that it appears NRC is requesting that Agreement States adopt new NRC regulations well in advance of the three year guideline applied for Agreement State adoption of new compatible regulations. The purpose of including that section in our review letters was to assist States in planning for future changes. Based on your comment, we have added wording to our review letters to indicate that this section of the letter, where we identify the need for Agreement States to adopt "future" regulations, deals with a matter separate from the findings of the current review. Upcoming regulations are not included in our compatibility findings at the conclusion of a review, and were not considered in our compatibility determination for New York regulations.

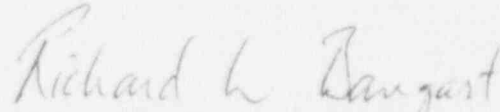
9403290152 940324
PDR STPRG ESGNY
PDR

SPol
1/1

MAR 24 1994

Finally, thank you for bringing to our attention an error in our October 14, 1993 letter which indicated that the New York State Department of Health (NYSDOH) had not updated its regulations since 1974. We do note your correction that these regulations were updated in 1979 and 1992. Moreover, we were pleased to learn that the NYSDOH amended its regulations on February 16, 1993 to address other NRC regulations that apply to its licensees.

Sincerely,



Richard L. Bangart, Director
Office of State Programs

MAR 24 1994

Finally, thank you for bringing to our attention an error in our October 14, 1993 letter which indicated that the New York State Department of Health (NYSDOH) had not updated its regulations since 1974. We do note your correction that these regulations were updated in 1979 and 1992. Moreover, we were pleased to learn that the NYSDOH amended its regulations on February 16, 1993 to address other NRC regulations that apply to its licensees.

Sincerely,

Original Signed By
RICHARD L. BANGART
Richard L. Bangart, Director
Office of State Programs

Distribution:

DIR RF
Rl.Bangart
PLohaus
SDroggitis
WKane, RI
CGordon, RI
CMaupin
New York (All Files)

DCD (SP01)

PDR (YES NO)

*See previous concurrence.

**Concurrences by E-mail.

OFC	ORA:RI	ORA:RI	OSP	OSP:DD	OSP:DI		
NME	CGordon	WKane	CMaupin	PLohaus	RBangart		
DTE	3/24/94 **	3/24/94**	3/11/94*	3/11/94*	3/18/94		

G:\CHM\GLEASON.CHM

Finally, thank you for bringing to our attention an error in our October 14, 1993 letter which indicated that the New York State Department of Health (NYSDOH) had not updated its regulations since 1974. We do note your correction that these regulations were updated in 1979 and 1992. Moreover, we were pleased to learn that the NYSDOH amended its regulations on February 16, 1993 to address other NRC regulations that apply to its licensees.

Sincerely,

Richard L. Bangart, Director
Office of State Programs

Distribution:

CGordon New York File White Book
CMaupin WKane
PLohaus Dir R/f

OFC	ORA:RI	ORA:RI	OSP	OSP:DD	OSP:D		
NME	CGordon	WKane	CMaupin	PLohaus	RBangart		
DTE	3/ /94	3/ /94	3/11 /94	3/11 /94	3/ /94		

g:\chm\gleason.chm