

NY State General
White Book



NEW YORK STATE ENERGY OFFICE

FRANCIS J. MURRAY, JR.
COMMISSIONER

December 8, 1993

Mr. Richard L. Bangart
Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Bangart:

This letter is in response to your November 6, 1993 request for a status report on New York's progress in adopting the revised radiation protection standards promulgated by 10 CFR Part 20.

Please be assured that New York State is making every effort to implement the new standards. New York radioactive material licensees have been advised of the forthcoming changes and are aware of the new standards. However, as you know, there are three State agencies (the Departments of Health, Labor and Environmental Conservation), as well as the New York City Department of Health, responsible for regulating radioactive materials in New York State. Each agency, therefore, must individually adopt the new standards in accordance with their own rulemaking procedures. These differ among the agencies, thus, effecting timetables and milestones. As a result, the new standards will not be fully effective by January 1, 1994. Although it would be ideal to have uniformity on that date, we do not feel public health will be jeopardized by our implementation process.

New York is working diligently towards our mutual goal of full implementation of the new standards. If you have any questions regarding our plan, please give me a call.

Sincerely,

Eugene J. Gleason
Eugene J. Gleason
Deputy Commissioner for Operations

/ta
Enclosure

9403290161 940324
PDR STPRG ESGNY
PDR

TWO ROCKEFELLER PLAZA - ALBANY, NEW YORK 12223
518-473-4375



DEPARTMENT OF LABOR

A draft of the Department of Labor's amendment to Industrial Code Rule 38 which incorporates all known U.S. NRC regulations required under compatibility through 1994, was sent for initial comment on December 1, 1993, to a representative sample of licensees, other State agencies and the U.S. NRC. The amendment also updates the code in technical areas and revises and expands the section relating to industrial radiography in anticipation of an NRC revision currently in progress. This is a major amendment designed to present licensees with a cogent set of regulations at one time, rather than a series of significant changes requiring continued adjustment of licensee programs.

Receipt of the initial comments on the draft amendment will be received and appropriate changes made by December 21. The proposed amendment will be sent for publication in the State Register on January 4. On January 19, the proposed amendment will be published for comment (45-day comment period) and a public hearing will be held during that period. Comment period ends on March 5. Comments are evaluated, responses prepared and amendment revised if appropriate. If no substantive changes are necessary in response to the comments, the amendment is republished as a final rule on April 6 with an immediate effective date.

DEPARTMENT OF HEALTH

The 10 NYCRR Part 16 regulations were drafted and published for comment. The public comment period on the Department's proposed amendments incorporating 10 CFR Part 20 requirements ended October 14, 1993. Four comments have been received and evaluated. The Department has determined that no significant changes are needed and the proposed amendments were adopted by the Public Health Council at its November 9, 1993 meeting. The regulations will be signed by the State Health Commissioner and published in the State Register as final rule. It is expected that the amendments will become effective on January 1, 1994.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC issued its proposed rule (6 NYCRR Part 380) on October 5, 1993, and held a public hearing on November 22, 1993. The comment period closed on November 29, 1993. Assessment of the comments and a final rulemaking package will be completed in December. The rule must be approved by the State Environmental Board before the final rule can be filed at the Department of State. The Board meets in January 1994, and filing is planned for early February 1994. The rule becomes effective 30 days after filing. The anticipated date is March 1994.

NEW YORK CITY DEPARTMENT OF HEALTH

A complete revision of the appropriate section of the City Health Code (24 RCNY Article 175) has been drafted and sent to the General Counsel's Office. It will then proceed to the New York City Department of Law for review. The New York City Board of Health must then approve the rule for publication in the City Record. There will be comment period followed by preparation of a response. The Board then reviews the rule for final approval and it is again published in the City Record. It becomes effective 30 days after publication. It is anticipated to be completed in March 1994.