



STATE OF NEW YORK  
DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233

ROBERT F. FLACKE  
COMMISSIONER

MAY 11 1982

Dear Mr. Haynes:

Thank you for your letter of March 31 in regard to NRC's review of DEC's radiation control program. I am pleased that NRC continues to find the Department's program for regulation of agreement material adequate to protect the public health and safety.

It is agreed that the present staffing level is minimally acceptable. Because of limited resources and the higher priority for toxic materials DEC will not be able to increase the technical staff for the radiation program. I have, therefore, proposed that the Department of Health accept the responsibility for DEC's radiation program.

In response to your comment on compatibility, DEC will revise portions of Part 380 relating to concentrations and quantities for uranium, thorium and radon and related footnotes. This will be done at the next general revision of Part 380 unless the radiation program is transferred to the Department of Health prior to such revision.

The thoroughness of the review and the constructive comments of Mr. Lubenau are appreciated. I acknowledge NRC's emphasis on the importance of maintaining the present level of staffing until the transfer of the program is accomplished. We will attempt to meet this recommendation.

Mr. Cashman has been requested to reply to your comments on the technical aspects of the program. I will inform you of the transfer of the radiation control program to the Department of Health when a date for the transfer has been established.

Sincerely,

Robert F. Flacke

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