



STATE OF NEW YORK
DEPARTMENT OF LABOR

Governor W. Averell Harriman
State Office Building Campus
Albany, New York 12240

JOHN F. HUDACS
Commissioner of Labor

April 8, 1994

Mr. Ivan Selin
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Selin:

New York State has several manufacturers of sealed radioactive sources, and devices containing such sources, located within the State. At the urging of the Nuclear Regulatory Commission (NRC), the New York State Department of Labor's (NYSDOL) Radiological Health Unit has devoted substantial time and effort over the years to performing evaluations of these sources and devices for the information of other states and NRC. The high quality of these evaluations has also been evident to NRC during their regular reviews of our radioactive materials program.

However, due to their specialized nature, the conduct of these evaluations has been almost exclusively the responsibility of one staff person. Since NRC has not included training in this function as part of the courses it presents for Agreement States personnel and since the radioactive materials licensing and inspection workload, which is the primary work of our Radiological Health Unit, allows little opportunity for cross-training, this situation has persisted.

Unfortunately, the staff person who performed these evaluations retired unexpectedly, and with minimal notice, for personal reasons last month. Under these circumstances, the NYSDOL cannot continue to perform this service unless NRC makes an immediate commitment to provide the necessary staff training. Our Principal Radiophysicist, who heads the Radiological Health Unit, has written two letters to NRC requesting such training, but has received no response.

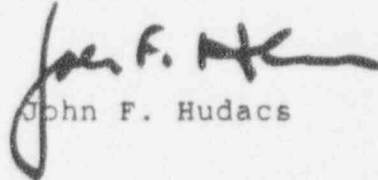
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The NYSDOL takes its responsibility to protect workers and the public from radiation hazards very seriously, and will not undertake a function unless it can provide properly trained staff to perform that function. In this case, the necessary training can be obtained from no other source than NRC, since the Commission is the sole arbitrator of how these evaluations should be conducted.

By this letter, we are notifying the Commission that the New York State Department of Labor has ceased to perform these evaluations, and will not resume this responsibility until the Commission provides appropriate training.

Sincerely,



John F. Hudacs