



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD, SUITE 102
KING OF PRUSSIA, PA 19406-1415

December 10, 2025

Charles Burns, Director
Bureau of Environmental Radiation
Protection
New York State Department of Health
Corning Tower Room 1237
Empire State Plaza
Albany, NY 12237

Christanna Kendrot, Director
Office of Radiological Health
New York City Department of Health
and Mental Hygiene
Office of Radiological Health
42-09 28th Street
Long Island, NY 11101

Kevin Wood, P.E., Director
Bureau of Hazardous Waste and
Radiation Management
New York State Department of
Environmental Conservation
Division of Materials Management
625 Broadway
Albany, NY 12233

SUBJECT: NEW YORK PERIODIC MEETING SUMMARY

Dear Charles Burns, Christanna Kendrot, and Kevin Wood:

A periodic meeting was held with you and your staff on September 25, 2025, at your offices in Albany, New York. The purpose of this meeting was to review and discuss the status of the New York Agreement State Program. The scope of the meeting was limited to activities conducted by the Radiation Control Program in the areas of Legislation, Regulations, and Other Program Elements and the Low-Level Radioactive Waste Disposal Program. The U.S. Nuclear Regulatory Commission was represented by Marc Ferdas, acting Deputy Director, Division of Radiological Safety and Security; Katie Barnes, acting Regional State Agreements Officer; and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from discussions. Based on the criteria established in Section IV.D.2 of the Office of Nuclear Material Safety and Safeguards Procedure SA-116 "Periodic Meetings between IMPEP Reviews," a Management Review Board meeting will be conducted on March 3, 2026.

If you feel that our conclusions do not accurately summarize the meeting discussion or have any additional remarks about the meeting in general, please contact me at 610-337-5102, or by email at shawn.seeley@nrc.gov.

Sincerely,



Signed by Seeley, Shawn
on 12/10/25

Shawn W. Seeley
Regional State Agreements Officer
Division of Radiological Safety and Security

Enclosure:
New York Periodic Meeting Summary

cc:
J. Frisone, DEC
T. Papura, DEC
S. Heim, DOH
D. Greco, DOH
C. Westerman, DOH
N. Kishbaugh, DOH
E. Finkelstein, NYC



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF NEW YORK

TYPE OF OVERSIGHT: HEIGHTENED OVERSIGHT

September 25, 2025

Enclosure

PERIODIC MEETING PARTICIPANTS

NRC

- Marc Ferdas, Acting Deputy Director, Division of Radiological Safety and Security
- Shawn Seeley, Regional State Agreements Officer
- Katie Barnes, Acting Regional State Agreements Officer

New York City Department of Health and Mental Hygiene

- Christanna Kendrot, Director, Office of Radiological Health
- Erik Finkelstein, Office of Radiological Health

New York State Department of Health

- Christine Westerman, Director, Division of Environmental Health Protection
- Darby Greco, Deputy Director, Division of Environmental Health Protection
- Charles Burns, Director, Bureau of Environmental Radiation Protection
- Nathaniel Kishbaugh, Chief, Radioactive Materials Section
- Sara Heim, Inspection Manager, Bureau of Environmental Radiation Protection

New York Department of Environmental Conservation

- Kevin Wood, Director, Bureau of Hazardous Waste and Radiation Management
- Thomas Papura, Supervisor, Radioactive Materials Management Section, Division of Materials Management
- John Frisone, Supervisor, Radiation Control Permits

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of New York. The meeting was conducted in accordance with the Office of Nuclear Material Safety and Safeguards State Agreement Procedure (SA) [SA-116](#) “Periodic Meetings between IMPEP Reviews,” dated October 6, 2021.

The State of New York is currently administered by three agencies: (1) the New York State Department of Environmental Conservation (DEC), which has jurisdiction over discharges of radioactive material to the environment, including releases to the air and water, and the land disposal of radioactive wastes; (2) the New York City Department of Health and Mental Hygiene (NYC), which has jurisdiction over medical, academic, and research uses of radioactive materials within the five boroughs of New York City; and (3) the New York State Department of Health (DOH), which has jurisdiction over industrial uses of radioactive materials throughout the State, as well as medical, academic, and research uses outside of New York City. There have been no changes to the organizational structure since the September 2024 follow-up Integrated Materials Performance Evaluation Program (IMPEP) review.

Combined, New York regulates approximately 1300 specific licenses authorizing possession and use of radioactive materials. The DOH regulates approximately 1000 licensees and the NYC regulates approximately 270 licensees. Additionally, the DEC also regulates 30 materials permit holders for radioactive effluent discharges and radioactive waste disposal from all state-regulated radioactive materials licensees.

New York last underwent a full IMPEP review during the week of July 18 – 19, 2022. The team found New York’s Agreement State Program satisfactory for the Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, and Technical Quality of Incident and Allegation Activities. New York’s performance was found to be satisfactory but needs improvement for the Sealed Source and Device (SS&D) Evaluation Program and the Low-Level Radioactive Waste (LLRW) Disposal Program. New York’s performance was found to be unsatisfactory for the performance indicator Legislation, Regulations, and Other Program (LROPE) Elements. Based on the results of this IMPEP review, New York was placed on a period of heightened oversight.

A follow-up IMPEP review was conducted on September 23 – 26, 2024, to review the LROPE and LLRW Disposal Program. New York had discontinued its SS&D Evaluation Program early in the review period as the authority was returned to the NRC. A Management Review Board (MRB) meeting to discuss the outcome of the 2024 follow-up IMPEP review was held on January 14, 2024.

The team found that New York’s performance remained unsatisfactory for the Legislation, Regulations, and Other Program Elements (LROPE) performance indicator and satisfactory but needs improvement for the LLRW Disposal Program performance indicator. As recommended by the MRB, the 2025 Periodic Meeting was conducted one year following the IMPEP to review the LROPE and LLRW performance indicators.

2.0 COMMON PERFORMANCE INDICATORS

Although there are five common performance indicators used to review Agreement State/NRC Region programs, these were not reviewed during this periodic meeting.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State/NRC Region programs: (1) Compatibility Requirements for LROP, (2) SS&D Evaluation Program, (3) LLRW Disposal Program, and (4) Uranium Recovery Program. The NRC's Agreement with New York only includes the non-common performance indicators LROPE and LLRW Disposal Program.

3.1 LROPE (2024 IMPEP review: Unsatisfactory)

New York became an Agreement State on October 15, 1962. Three agencies regulate ionizing radiation in the State of New York: DEC, DOH, and NYC. At the time of the 2024 follow-up IMPEP review, 30 regulation amendments were overdue for adoption between the DOH and the DEC. The review team recommended that the DOH and the DEC establish processes with appropriate milestones, to expedite the review and adoption of the NRC regulations in accordance with the current NRC policy on adequacy and compatibility with the goal of adopting all overdue regulations by the next IMPEP review.

The DEC's regulations are found in Title 6 NYCRR Chapter IV, Subchapter C, Parts 380-384, and are applicable to environmental releases and disposal of radioactive material. Part 384, which implements a License Termination Rule as found in 10 CFR Part 20, Subpart E, was nearing finalization at the time of the Periodic Meeting. The DOH implements the majority of 10 CFR Part 20 in 10 NYCRR Part 16. A comprehensive revision to Part 16 was published for comment in 2024, however due to the high number of comments received, it was not adopted in the required one-year period for rulemaking. The DOH addressed the comments and the new proposed revision to Part 16 was planned to be published for a 60-day comment period on October 8, 2025. The revision incorporates most of 10 CFR Part 35 by reference. This rulemaking is anticipated to be finalized around February 19, 2026. In July 2025, NYC updated the radiation control program regulations in NYC Health Code Article 175.

3.2 LLRW Disposal Program (2024 IMPEP: Satisfactory but needs improvement)

New York State regulates two disposal sites that received LLRW waste prior to the 1980s; Cornell Radiation Disposal Site (RDS) in Lansing, New York and the West Valley State-Licensed Disposal Area (SDA) in West Valley, New York. The Cornell RDS has a Part 380 permit issued by the DEC for groundwater discharge and is managed under a Consent Order. The West Valley SDA is managed by a DOH radioactive materials license and a DEC Part 380 discharge permit. The DEC inspects permitted activities at both disposal sites, and DOH inspects activities under the West Valley SDA license. Inspector accompaniments for both agencies are performed by the DOH inspection chief.

DOH and DEC updated their incident and allegation procedures following a recommendation made in the 2024 IMPEP review.

4.0 SUMMARY

No other concerns or issues were identified during the periodic meeting. The next full IMPEP review is scheduled to be held in September 2026.

NEW YORK PERIODIC MEETING LETTER AND SUMMARY DATE December 10, 2025

DISTRIBUTION:

DSilberfeld, NMSS

CRegan, NMSS/REFS

MFerdas, R-I/DRP/TSAT

AGiantelli, NMSS/MSST/SMPB

RJohnson, NMSS/MSST/SLPB

LSmith, NMSS/MSST

KBarnes, R-I/DRSS/DIRHB/DT

SSeeley, R-I/DNMS/MLAB

FGaskins, R-I/DNMS

ADAMS Accession No.: ML25343A281

OFFICE	R-I/DNMS/MLAB			
NAME	SSeeley SS			
DATE	Dec 10, 2025			

OFFICIAL RECORD COPY