



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
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March 29, 2001

Karim Rimawi, Ph.D.
Director
New York State Department of Health
Bureau of Environmental Radiation Protection
547 River Street
Troy, NY 12180-2216

SUBJECT: PERIODIC MEETING SUMMARY FOR NEW YORK STATE DEPARTMENT OF HEALTH

Dear Dr. Rimawi:

A periodic meeting with the New York State Department of Health (NYDOH) was held on March 1, 2001. The purpose of the meeting was to review and discuss the status of NYDOH's Agreement State program. The NRC was represented by Kathleen Schneider from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included changes in program funding and program organization.

I have completed and enclosed a general meeting summary, included any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at adw@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc: R. Bores, RI
K. Schneider, STP
S. Gavitt, NYDOH
J. Spath, NYSERDA

K. Rimawi
New York State Department of Health

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
NEW YORK STATE DEPARTMENT OF HEALTH (NYDOH)

DATE OF MEETING: March 1, 2001

ATTENDEES:

NRC

Duncan White, RSAO
Kathleen Schneider, ASPO

NYDOH

Karim Rimawi, Program Director
Adela Salame-Alfie, Assistant Director
Steven Gavitt, Materials Section Chief
Gary Baker, Field Operations Chief
Cindy Costello
Bob Dansereau
Mark Virgil

DISCUSSION:

At the previous periodic meeting in September 1999, the proposed status of each of the recommendations in Section 5.0 of the 1998 revised final Integrated Materials Performance Evaluation Program (IMPEP) was discussed. As a result of the discussions at that meeting, no additional information was needed and the actions taken by NYDOH will be reviewed at the next full IMPEP review.

A recent change in the budget legislation has required the Bureau to propose a new fee schedule that includes fees for material licensees. The program plans to recover approximately 75% of their costs in the fiscal year that begins April 1, 2001. The fees will be placed in a special dedicated fund. There is proposed legislation to require licensure of nuclear medicine technologists and medical physicists. The program has not adopted any new NRC amendments since the last IMPEP due to the Department's laborious regulation adoption process. The program tends to use legally binding requirements (license conditions) to ensure compatibility with NRC regulations. The program is currently developing changes to its regulations for a number of NRC amendments. NRC staff indicated that during the next IMPEP review, there will be a greater emphasis placed on determining if a program's regulations or other legally binding requirements are compatible with NRC's regulations, largely in part due to the expiration of the grace period for the adopting regulations in the NRC's policy on adequacy and compatibility issued in 1997.

The current staffing level of the program is approximately 11 FTE. Since the last periodic meeting, two staff transferred to the Radiological Health Unit in the Department of Labor (Charles Burns and Dan Samson) and another staff person retired (Jay Dunkleburger). The program has filled a senior level position in Buffalo (Sara Koch) and is currently looking to fill two more. The Bureau was reorganized into three sections (materials, machine and field operations) from four by combining the environmental section into the materials section. The Bureau is looking to get more involved in the environmental reviews. With regard to contaminated sites, comments are provided to Department of Environmental Conservation with a focus on building structures.

Specific initiatives of the program include the use of customer response forms to obtain feedback from licensees. Response from licensees has been positive to date. The program has also conducted 10 days of training for its technical staff in conjunction with an Albany hospital in the areas of radiation oncology and medical physics.

The NRC staff discussed recent management changes at the Commission and the impact of a new President and Administration. A copy of the recently approved STP procedure for obtaining grant money for the Agreement State evaluation of formerly terminated NRC/AEC sites within their jurisdiction was provided to the Program Manager. The NYDOH was informed that Pat Larkins will become the new Agreement State Project Officer (ASPO) in March 2001 replacing Ms. Schneider. The current status of the National Materials Program Working Group was briefly discussed.

There were no allegations referrals to the NYDOH by NRC Region I since the last IMPEP.

The NRC staff indicated that at the NRC will be placing greater emphasis on the monthly reporting of incidents and the need to provide complete information on the follow up and resolution. It was further noted that this was a matter of compatibility and will be examined closely at the next IMPEP.

The NRC staff indicated that next full IMPEP of the New York program has been tentatively scheduled for spring 2002. The NRC staff also indicated there was an initiative to restructure the review to decrease the amount of NRC resources used on the review and reduce the overall length of the review. This initiative is currently under review by NRC management and if approved, the NRC will present the plan to the four New York radiation programs that implement the Agreement for their input and comments.