

CONFERENCE CALL SUMMARY WITH NEW YORK  
CITY DEPARTMENT OF HEALTH (NYC)

DATE OF CALL: June 15, 2006

ATTENDEES:

Duncan White, Region I  
Dennis Rathbun, STP  
Lloyd Bolling, STP  
Gene Miskin, Director, NYC  
Tobias Lickerman, Chief, Radioactive Materials, NYC

BACKGROUND:

On November 2, 2005, the Management Review Board (MRB) met to consider the results of the April 2005 Periodic Management Meetings with the four New York agencies that implement the New York Agreement State program. The MRB requested that bimonthly conference calls be conducted between the appropriate New York and NRC staffs to discuss each agency's Program Improvement Plans (PIP) regarding their performance with compatibility requirements. This is the first conference call with NYC since the November 2005 MRB meeting.

NYC provided a Program Improvement Plan (PIP) in their letter dated February 3, 2006 to the NRC (ML060590163). The NRC approved the PIP in its March 21, 2006 letter (ML060830232). No status update to the PIP was provided for this call.

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Since the submission of the NYC's PIP, the City has submitted two packages (dated May 1 and May 5, 2006) containing a total of eight amendments in final form to STP for review. NRC provided written comments back to the NYC on both packages on June 1 and 12, 2006 (ML06153099 and ML061220177)

Mr. Miskin indicated that NYC is on schedule as outlined in the PIP for the final adoption of RATS IDs 1995-2 and 2002-1. At a meeting early in the day, the City Board of Health approved the Certificate of Need for these rules. Mr. Miskin indicated that having NRC's prompt review and response of these amendments was beneficial at the Board meeting. It is anticipated that the final rule will go into effect in October 2006.

Another NRC amendment identified in NYC's PIP (RAT ID 1999-3) was reviewed by the NRC in their June 12 response.

Mr. Lickerman indicated that NYC is working on drafting the Part 35 NRC amendments (RATS ID 2002-2 and 2005-2). The adoption of these regulations has to be coordinated with State Health since they need also need to adopt these regulations as close as the same time as possible. The next step for NYC is to have a draft of these NRC amendments to State Health in August 2006. The State will provide a copy of their draft regulations to the City around the same time.

#### IMPEP REVIEW

The next IMPEP review for New York was scheduled for July 25 - August 4, 2006. As a result of the consolidation of the Department of Labor Agreement State program into the State Health Agreement State program and subsequent conversations, the NRC issued a letter dated May 23, 2006 from STP to State Health in which the NRC agreed to the postponement of the IMPEP until October/November 2006. Mr. Miskin asked if the due date of the questionnaire has changed as a result. Mr. Bolling indicated that the questionnaire response is now due in the mid-September 2006.

Mr. White indicated that at least one inspector will have to be accompanied as part of the IMPEP review. NYC has two individuals currently in training whom may be fully qualified by the time of the IMPEP review in the fall. Coordination of the accompaniments should be done through Mr. Lickerman.

#### NEXT CALL

The next call will be the week of August 14, 2006.