

CONFERENCE CALL SUMMARY WITH NEW YORK
STATE DEPARTMENT OF HEALTH (NYSH)

DATE OF CALL: July 26, 2006

ATTENDEES:

Duncan White, Region I
Janet Schlueter, STP
Aaron McCraw, STP
Steven Gavitt, NYSH, Deputy Director
Bob Dansereau, NYSH, Radioactive Materials Supervisor
Clayton Bradt, NYSH, Industrial Supervisor

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 the each agency's Program Improvement Plans (PIP) regarding their performance with compatibility requirements. This is the second conference call with NYSH since the November 2005 MRB Meeting.

NYSH provided a Program Improvement Plan (PIP) in their letter dated February 13, 2006 to the NRC (ML060540119). Appendix A to the letter summarized the specific status of each of the overdue regulations and Appendix B to the letter outlined specific tasks and milestones. The NRC approved the PIP in its March 24, 2006 letter (ML060830459). No status update was provided by NYSH for this call

DISCUSSION OF PROGRAM IMPROVEMENT PLAN STATUS

Mr. Gavitt indicated that NYSH did not accomplish anything significant regarding the adoption of overdue regulations due to the numerous activities and demands regarding the merger of the Labor program into the NYSH program.

Mr. Bradt indicated that a matrix is currently being prepared to determine what portions of the Industrial Code (Part 38) needs to be merged in the Health Code (Part 16). There are portions of the Industrial Code (radiography and manufacturing) that will need to be adopted in total by the NYSH.

Mr. Gavitt indicated that a few industrial licenses that perform decommissioning and decontamination activities will require regulations covering respiratory protection. NYSH will plan to adopt these requirements.

Mr. Dansereau requested examples of other Agreement States that adopted transportation regulations by reference. Mr. White indicated that other States reference 10 CFR Part 71.5 as part of their adoption by reference. Subsequent to the call, Mr. White provided Mr Dansereau with the language used by the State of Illinois (and found compatible by the NRC) to adopt transportation regulations by reference.

NEXT CALL

The next call will be held the week of September 18, 2006.