

September 24, 2007

Mr. Stephen M. Gavitt, CHP, Director
Bureau of Environmental Radiation Protection
New York State Department of Health
547 River Street, Room 530
Troy, NY 12180-2216

Dear Mr. Gavitt:

We have reviewed the Program Improvement Plan (Plan) you submitted to the U.S. Nuclear Regulatory Commission (NRC), as required by the Heightened Oversight process. In addition, we have taken into consideration information provided by you and your staff regarding the Plan, as part of the Heightened Oversight call on September 13, 2007. As discussed during the call, we believe the Plan will meet the requirements of the Heightened Oversight process after incorporation of the NRC's comments, which were conveyed to you and your staff on the call.

NRC staff will conduct a periodic meeting with your Program around the November 2007 time frame. Mr. James Kottan, Regional State Agreements Officer (RSAO), of the NRC's Region I Office will coordinate with you and your staff on the scheduling of this periodic meeting. At this meeting, the status of your Program's adoption of regulations, as well as the overall status of your Program, will be discussed.

Although your Program has been placed on Heightened Oversight due to overdue adoption of NRC regulations, this action does not affect our finding that your Program is adequate to protect public health and safety. We appreciate the effort and the cooperation that you and your staff have shown during this process. I thank you for your continued support of the New York Agreement State Program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA by Duncan A. White Acting for/

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

cc: John P. Spath
New York State Energy Research
and Development Authority

S. M. Gavitt

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