

February 21, 2012

Stephen Gavitt, CHP, Director
Bureau of Environmental Radiation Protection
New York State Health Department
547 River Street, Room 500
Troy, NY 12180-2216

Dear Mr. Gavitt:

In November 2011, the Management Review Board (MRB) found the New York Agreement State program adequate, but needs improvement, and not compatible with the U.S Nuclear Regulatory Commission (NRC) program. Because of the significance of the findings, the MRB determined that the period of Heightened Oversight for the New York Agreement State program should be continued. Each agency responsible for the New York Agreement State program was requested to update and submit its Program Improvement Plan (PIP).

We have reviewed the PIP you submitted on January 25, 2012. The PIP is available in NRC's Agencywide Documents Access and Management System under accession number ML120250353. The PIP specifies the actions developed to address each of the New York State Health Department (DOH) outstanding regulation amendments recorded in the final report of the Integrated Materials Performance Evaluation Program review and response to the three recommendations. In addition, we have taken into consideration information you provided as part of the Heightened Oversight call on January 26, 2012. The NRC has reviewed the PIP and determined that it addresses each outstanding amendment and recommendation, provides estimated completion dates, and specifies responsibilities. As a result of our review, the NRC has approved the PIP as submitted.

As part of the Heightened Oversight process there will be bimonthly telephone calls between the NRC and the New York Agreement State Program. As part of the bimonthly telephone calls, please submit an updated version of the DOH PIP to the Regional State Agreements Officer at least five days in advance of the call.

If there are any questions regarding the PIP or our decision, please contact Donna Janda at 610-337-5371 or donna.janda@nrc.gov.

Sincerely,

/RA P.J. Henderson for/

Brian McDermott, Director
Division of Materials Safety and State Agreements
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cc: See next Page

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