

May 24, 1985

Henry G. Williams, Commissioner  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233-0001

Dear Commissioner Williams:

This is to confirm the discussion Mr. James Allan, Deputy Regional Administrator, and Mr. John McGrath, Regional State Agreements Officer held with you and your staff on May 1, 1985 concerning the status of the Department's radiation control program and its effect on the status of the State of New York Agreement State program.

During our last regular review of the program, a number of significant problem areas were identified which caused us to withhold a finding of adequacy to protect the public health and safety and compatibility. These problem areas were brought to your attention in our letter dated August 31, 1984. In your response of February 11, 1985, you expressed concern about the Department's ability to address the problem areas, and requested direct assistance from NRC in the way of personnel and financial resources to support operation of the program.

The discussions at the May 1 meeting indicated to us that the Department has given the program a great deal of consideration and is taking steps to address the identified problems. The Department's radiation control regulations have been updated in accordance with our previous comments and are compatible with the NRC regulations.

With regard to the other program areas, it is our understanding as a result of the May 1 meeting that DEC will take the following actions.

- (1) With the assistance of the other New York regulatory agencies, identify those licensees who may require a DEC permit and do not currently have one through either onsite review of environmental emissions or supplying inspection reports to DEC.
- (2) Establish priorities for processing permit applications as cases are identified, with those having the most significant release potential receiving higher priority.
- (3) Establish a work plan for the routine inspection program.

We note that the Department has initiated work in this area and is developing a computer based system for its inspection program. DEC should also consider and explore with the other New York Agreement State agencies the possibility of the agencies providing some direct support for DEC in the inspection area.

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- (4) Prepare written procedures on the processing of permit applications and the conduct of inspections. If inspection assistance is obtained from other New York agencies, DEC will provide inspection protocols for the various types of licensees.

With regard to your specific request of February 11, 1985 for direct NRC assistance, with the exception of training support, the Atomic Energy Act does not authorize the Commission to provide direct operating support for the Agreement State Program. We can, however, provide technical assistance on a case specific basis and will also pursue alternative means of obtaining personnel support.

Although additional future program improvements will likely be based on passage of the Governor's program bill on low-level waste disposal, the Department should be formulating contingency plans for improving the program in the event that this bill does not pass the legislature.

We appreciated the opportunity to meet with you on May 1. We believe the Department has taken initial steps in addressing the problems in the radiation control program. We plan to monitor the Department's progress.

Sincerely,

Original signed by  
Thomas E. Murley  
Thomas E. Murley  
Regional Administrator

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