



DEPARTMENT
OF HEALTH

The City of New York

Rudolph W. Giuliani
Mayor

Margaret A. Hamburg, M.D.
Commissioner

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Deputy Commissioner

**Environmental Health
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October 31, 1996

Richard L. Bangart, Director
Nuclear Regulatory Commission
Office of State Programs
One White Flint North
11555 Rockville Pike, 3rd floor
Rockville, Maryland 20852

Dear Mr. Bangart:

The New York City Health Department's Bureau of Radiological Health has been notified by Craig Gordon, NRC Regional State Agreements Officer, that the NRC wishes to carry out an on-site "status check", or mini-review, of DOH's Radioactive Materials Program. We understand that the NRC is concerned about program management in the absence of a Director. Specifically, Mr. Gordon referred to concern over allegations of lack of response to incidents involving radioactive materials. The NRC review team also wishes to look into BRH's inspection of licensees' facilities as well as into our licensing actions.

As you know, NRC's last Program Review in March 1995 covered the period 1992-1995; the next Program Review would thus be scheduled for early 1998. The NYCDOH Radioactive Materials Program was considered to be compatible with the NRC at the time of that Program Review. The Review indicated that 28 of 30 indicators were met by NYCDOH. Of the two indicators not met, NRC postponed compatibility findings on the quality management rule until after December 6, 1996; with regard to the formal written policy for conducting unannounced inspections of licensees, we explained in our April 8, 1996 letter to you that this would be addressed in the formal Policies and Procedures Manual currently under development. I am enclosing copies of our April 8 letter and your July 10, 1996 response for your reference.

As you know, Dr. Robert Kulikowski recently resigned as Director of the Bureau of Radiological Health; preparations are currently underway to recruit a replacement. In the interim, the divisions of the Bureau continue to be administered by their respective chiefs, each of whom has extensive experience and proven competence in his area. Overall coordination is being provided by the Bureau's Deputy Director, under supervision of the Assistant Commissioner for Environmental Sciences. Additionally, the allegations to which NRC refers have been thoroughly investigated and have been determined to be without merit. NYCDOH does not believe, therefore, that another Program Review is warranted or necessary at this time.

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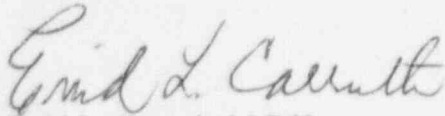
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We would be happy to provide information to the NRC on any specific questions which you may have. In the interests of efficiency and staff time for both NRC and NYCDOH, we can provide you such details as you may require by letter or, if necessary, by conference call.

Please let me know how you wish to proceed.

Sincerely,

A handwritten signature in cursive script, reading "Enid L. Carruth".

Enid L. Carruth, M.P.H.

Deputy Commissioner

Environmental Health Services

cc: Paul H. Lohaus, Deputy Director
Craig Gordon, Regional State Agreements Officer
Kathleen Collins, Assistant Commissioner
Allan Goldberg, Assistant Deputy Commissioner