



January 22, 2008

Mr. James Kottan
NRC Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Dear Mr. Kottan:

RE: Program Improvement Plan - Update #5

Enclosed is the fifth update of our Program Improvement Plan, submitted as required by the heightened oversight process. The following are the changes since our last update, of July 27, 2007:

- We have hired a new staff member, who is now part of our team for developing these rules.
- We have extended by a few months the schedule for adopting our version of the license termination rule (6NYCRR Part 384). We now expect to have the final rule in early 2009. Our outreach mailing did not occur in July, as was expected, because of competing projects and priorities (including the process of hiring new staff). We plan to initiate the outreach effort by the end of this month. The outreach letter is in final review with the Department, and the distribution list has been created. The outreach letter will also be posted on the Department's web site.
- We have made significant progress on Part 384. Our program attorney has reviewed an initial draft of the express terms, and we have incorporated the needed changes. We will resume work on the express terms after we review the comments received in our outreach effort. Four of the documents required to support the rulemaking have been drafted. Two required assessment forms have been completed and filed.
- Work on the amendments to Part 380 is proceeding. An initial draft of the express terms has been completed. The regulatory impact statement has been outlined. We have not changed the expected date for the final rule (fall 2009).

As we explained in our January 31, 2006 letter, we recognize the need to adopt these regulations, but our delay in doing so has not impaired DEC's ability to protect the environment or the public from radiation hazards.

During our periodic meeting with you on November 27, 2007, we agreed to provide an updated organization chart. That is enclosed. We also agreed to submit a letter to NRC identifying the rulemakings we believe are outside of our authority. We are working on that letter and will submit it shortly.

If there are any questions on our updated plan, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Youngberg". The signature is written in a cursive style.

Barbara Youngberg
Chief, Radiological Sites Section

Enclosures

cc: E. Dassatti
D. O'Toole
R. Phaneuf
S. Hinkel