

# **New York State Department of Environmental Conservation**

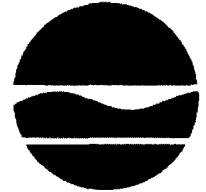
## **Division of Solid and Hazardous Materials**

**Bureau of Hazardous Waste and Radiation Management, Radiation Control Permit Section**

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Alexander B. Grannis  
Commissioner

June 16, 2008

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

Dear Mr. Kottan:

RE: Program Improvement Plan - Update #6

Enclosed is the sixth update of our Program Improvement Plan, submitted as required by the heightened oversight process. The following are the changes since our last update, of January 22, 2008:

- We have completed our initial outreach effort for adopting our version of the license termination rule (6NYCRR Part 384). We received comments from ten parties, and expect to finish the response to comments by the end of June.
- We have extended our anticipated date of final adoption of Part 384 by three months, to June 2009. Although we have continued to work on the rulemaking, we were delayed, by other priorities, in getting our outreach effort completed.
- Work on the amendments to Part 380 is proceeding. A preliminary draft of the express terms has been completed, and has undergone legal review. We are now responding to legal comments. Due to competing priorities, we have extended our anticipated date of final adoption of the amendments by several months, to winter 2010.

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 submit a letter to NRC identifying the rulemakings we believe are outside of our authority. That, too, has been delayed, but we expect to submit it by the end of June.

Mr. James Kottan

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We look forward to discussing the status of our Program Improvement Plan items during our next heightened oversight conference call, scheduled for at 10 a.m. on June 24. If there are any questions on our updated plan, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Hinkel".

Sandra Hinkel  
Chief, Radiation Control Permit Section

Enclosures

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