

New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials

Bureau of Hazardous Waste and Radiation Management

Radiation Control Permit Section, 9th Floor

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Alexander B. Grannis
Commissioner

April 27, 2009

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

Dear Mr. Kottan:

RE: Program Improvement Plan - Update #9

Enclosed is the ninth update of our Program Improvement Plan, submitted as required by the heightened oversight process. Following are the changes since our last update, of January 16, 2009:

- We have completed a draft of the express terms (regulatory text), supporting documents, and our initial outreach effort for adopting our version of the license termination rule (6NYCRR Part 384). With respect to the public outreach effort, we have finished the formal response document to public comments received, which is now undergoing management review. Internal review of the express terms will begin shortly.
- We have extended our anticipated date of final adoption of Part 384 by three months, to April 2010. Whenever possible, we will try to compress the work schedule over the next few months. The Radiological Sites Section Chief has now returned from an unexpected 12 week medical leave.
- Work on the amendments to Part 380 is proceeding. A preliminary draft of the express terms was completed, undergone legal review, and initial management review. We are now working on our initial public outreach efforts. Due to competing priorities, we have extended our anticipated date of final adoption of the amendments by several months, to the Winter of 2011.

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.

We look forward to discussing the status of our Program Improvement Plan items during our next heightened oversight conference call, scheduled for 10 a.m. on April 30. 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