

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Hazardous Waste and Radiation Management
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July 2, 2010

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

Dear Mr. Kottan:

RE: Program Improvement Plan - Update #12

Enclosed is an update of our Program Improvement Plan, submitted as required by the heightened oversight process. Following are the changes since our last update, of April 7, 2010:

- The 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) was completed months ago, and review of the express terms by counsel's office has been completed. With respect to the public outreach effort, the formal response document to public comments received has been finalized. Internal review by affected Divisions within the Department has been delayed due to competing demands, but is expected to begin shortly.
- We have extended our anticipated date of final adoption of Part 384 by several months, to the Fall of 2011. Whenever possible, we will try to compress the work schedule over the next few months.
- Work on the amendments to Part 380 is proceeding slowly. Until the rule is finalized, new regulatory requirements (such as the 10 mrem constraint rule) have been implemented via permit conditions, which are legally binding requirements. A preliminary draft of the express terms was completed, undergone legal review, and management review. We have completed 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 July 7, 2010. If there are any questions on our updated plan, please contact me.

Sincerely,



Sandra Hinkel
Chief, Radiation Control Permit Section

Enclosures

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