

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Remedial Bureau A**  
**Radiation Control Permit Section, 11<sup>th</sup> Floor**  
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February 15, 2011

Ms. Monica Orendi  
US Nuclear Regulatory Commission  
Office of Federal and State Materials and Environmental Management Programs  
Division of Material Safety and State Agreements  
Agreement States Program Branch  
Washington, DC 20555-0001

Dear Ms. Orendi:

**RE: Program Improvement Plan Update**

Enclosed is an update of our Program Improvement Plan, submitted as required by the heightened oversight process. The following summarizes our current status since our last update, of November 3, 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 (the new 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. Supporting documentation is currently being updated to reflect final changes to the express terms. Once this update is complete, internal review by involved Divisions within the Department will commence. We now anticipate final adoption of Part 384 in early 2012.
- 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 Radiation Control 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 Fall 2012.

As we previously explained, 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.

As you know, numerous administrative changes have occurred within the Department which have affected the radiation program. Both the Radiation Control Permit Section and the Radiological Sites Section are now in the Division of Environmental Remediation, and reside within Remedial Bureau A. Jim Harrington has now been appointed the Director of Bureau A.

We look forward to updating you on these changes further, and discussing the status of our Program Improvement Plan during our next heightened oversight conference call scheduled for 10 a.m. on February 22, 2011. If you have any questions, please call me at 518-402-8579.

Sincerely,



Sandra Hinkel  
Chief, Radiation Control Permit Section

Enclosure

ecc: Dale Desnoyers, Director, Division of Environmental Remediation  
Jim Harrington, Director, Remedial Bureau A, DER  
Timothy Rice, Radiological Sites Section Chief, Remedial Bureau A, DER