

January 20, 2012

Sandra Hinkel, Chief
New York State Department
of Environmental Conservation
Division of Environmental Remediation
Radiation Control Permit Section, 11th Floor
625 Broadway
Albany, New York 12233-7255

Dear Ms. Hinkel

As conveyed in the U.S Nuclear Regulatory Commission (NRC) letter dated November 29, 2011, the Management Review Board (MRB) found the New York Agreement State Program adequate but needs improvement and not compatible with the NRC's program. Because of the significance of the findings, the MRB determined that the period of Heightened Oversight for the New York Agreement State Program should be continued. Heightened Oversight is an increased monitoring process the NRC uses to follow the progress of improvement needed in an Agreement State program. As part of the Heightened Oversight process, each agency responsible for the New York Agreement State program was requested to update their Program Improvement Plan (PIP). The PIP for the New York State Department of Environmental Conservation (DEC) was submitted to the NRC by electronic mail on December 28, 2011. The PIP is available in NRC's Agencywide Document Access and Management System (ADAMS) using the Accession Number ML120090058.

The PIP specifies the comprehensive actions developed to address each of the DEC outstanding regulation amendments recorded in the Final IMPEP Report. The NRC has reviewed the PIP and determined that it adequately addresses each outstanding amendment, provides estimated completion dates, and specifies responsibilities. As a result of our review, the NRC has approved the PIP as submitted.

As part of the Heightened Oversight process there will be bimonthly telephone calls between the NRC and the New York Agreement State Program. The first bimonthly call is scheduled for January 26, 2012 at 1:30 pm EST. After the January 26th call, as part of the bimonthly telephone calls, please submit an updated version of the DEC PIP to the Regional State Agreements Officer at least five days in advance of the call.

If there are any questions regarding the PIP or our decision, please contact Monica Orendi at 610-337-5214 or monica.orendi@nrc.gov .

Sincerely,

/RA/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

cc: See next page

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