

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Radiation & Hazardous Site Management
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Ms. Amy Snyder
USNRC
11545 Rockville Pike
Rockville, MD 20852-2738

JUL 20 2001

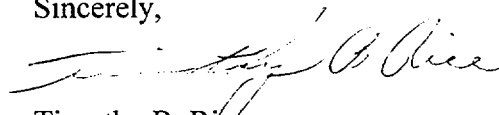
Dear Ms. Snyder,

Enclosed are the copies of our 6 NYCRR Part 382 and 383 EIS's that I had promised you at the July 17, 2001 West Valley Regulatory Roundtable. In the 382 EIS I tabbed the dose limits and Appendix A which is Part 382. In the 383 EIS I tabbed Appendix A.3 which is the amended Part 382, and Section 382.80(h)(2), which discusses concentration averaging.

Obviously, the situation presented by the HLW tanks at West Valley is not one that was specifically foreseen when 382's treatment of concentration averaging was written. As I stated in our phone conversation earlier this week, the DEC views surrounding and filling the tanks with grout to be equivalent to encapsulating a discrete object in a solidification agent. If you look at the Part 382 discussion dealing with discrete object encapsulation you will note that this does not allow for averaging the activity of the object, or in this case the tank and its internal contamination, over the volume of the solidification agent. Thus you can see why we are concerned over how DOE plans to demonstrate that they have met the Class C criteria needed to meet the waste Incidental to Reprocessing designation.

Please let me know if there is any other information on this issue that we can provide for you.

Sincerely,



Timothy B. Rice

Attachment 3