

October 5, 2001

Alice C. Williams, Director  
West Valley Demonstration Project  
U.S. Department of Energy  
10282 Rock Springs Road  
West Valley, NY 14171-9799

SUBJECT:               RESPONSE TO THE U.S. DEPARTMENT OF ENERGY'S PROPOSAL  
                              FOR OFF-SITE DISPOSAL OF WEST VALLEY LOW-LEVEL WASTE  
                              AT THE NEVADA TEST SITE

Dear Ms. Williams:

I am responding to your letter, dated June 8, 2001, regarding the U.S. Department of Energy's (DOE's) proposal for off-site disposal of West Valley low-level waste (LLW) at the Nevada Test Site (NTS) in accordance with the applicable acceptance requirements for waste disposal at NTS established by DOE under its Atomic Energy Act authority. In your letter you stated that DOE is no longer considering on-site waste disposal at West Valley for LLW (10-100 nCi/g, transuranic range) currently in storage, but instead is now proposing to dispose of some West Valley Demonstration Project (WVDP) LLW at its NTS waste disposal facility, consistent with complex-wide decisions made as a result of analyses in DOE's Waste Management Programmatic Environmental Impact Statement (PEIS).

Section 2 (a) (4) of the West Valley Demonstration Project Act (WVDP Act) provides that DOE shall meet the applicable licensing requirements in the disposal of low-level waste and transuranic waste produced by the solidification of the high level radioactive waste under the project. The U.S. Nuclear Regulatory Commission (NRC) does not have applicable licensing requirements for the disposal of material at NTS as it is not a DOE facility that is within the Commission's jurisdiction.

Since the waste at issue is not being disposed of on site or at a licensed disposal site, it is unnecessary for the NRC to make a decision concerning the definition of "transuranic waste" for purposes of section 6(5) of the WVDP Act. The waste was generated by the DOE and applicable transportation requirements are expected to be met. Further, DOE has statutory authority to manage its waste and its sites under the Atomic Energy Act of 1954, as amended, NRC has no objection of this planned approach for West Valley LLW disposal at the NTS.

A.C. Williams

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If you would like to discuss this further, or if you have any questions, please contact me at (301) 415-7437 or Amy Snyder at (301) 415-7644.

Sincerely,

***/RA/***

John T. Greeves, Director  
Division of Waste Management

cc: Paul Merges, NYSDEC  
Paul Picuilo, NYSERDA  
J.M. Ebersole, OH/OCC, OSE-407

If you would like to discuss this further, or if you have any questions, please contact me at (301) 415-7437 or Amy Snyder, at (301) 415-7644.

Sincerely,

**/RA/**

John T. Greeves, Director  
Division of Waste Management

cc: Paul Merges, NYSDEC  
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J.M. Ebersole, OH/OCC, OSE-407

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