

April 8, 2003

Dr. Paul L. Piciulo, Director
New York State Energy Research and Development Authority
West Valley Site Management Program
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: MARCH 13, 2003, MEETING BETWEEN DOE AND NRC

Dear Dr. Piciulo:

I am responding to your March 21, 2003, letter seeking an explanation as to why the New York State Energy Research and Development Authority (NYSERDA) was not notified of, or invited to, the March 13, 2003, meeting between the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) staff at NRC headquarters. Upon close review of the October 11, 2000, letter to NYSEDA which provided guidelines for future stakeholder interactions on West Valley, it appears that the meeting should have been noticed for public observation. We apologize for the oversight.

The NRC strives to increase stakeholder and public understanding and confidence in its interactions with stakeholders at West Valley, and developed the guidelines to accomplish that goal. However, there are circumstances under which meetings would not be open for public observation. In accordance with our public meeting management directive, some examples of the types of meetings that would not be subject to public noticing procedures are: meetings conducted by outside entities that NRC staff members may attend and participate in; meetings presenting proprietary, pre-decisional, or safeguards information; and status and schedule meetings between the NRC and staff and/or management of licensees or organizations. We also note that in the October 2000 guidelines, the staff recognized the informality called for in the West Valley Demonstration Project Act and provided DOE with an opportunity to recommend alternate criteria for holding closed meetings with the NRC. We understand that DOE is planning on developing and submitting alternate criteria for our consideration.

Thank you for bringing this issue to my attention. In the future, meetings will be noticed, as appropriate, on the NRC's website. If you have questions, please contact Claudia Craig, Section Chief in the Decommissioning Branch, at 301-415-6602.

Sincerely,
/RA/

Daniel Gillen, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: Paul Giardina, EPA
Alice Williams, DOE
Timothy Rice, NYSDEC
Adela Salame-Alfie, NYSDOH
Rickey L. Armstrong, Sr., Seneca Nation of Indians

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Distribution: DCB r/f

ADAMS ACCESSION NUMBER:

* See Previous Concurrence

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DATE	04 /04/2003	04/07/2003	4/8/2003

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