

July 16, 2004

Dr. B. John Garrick, Chairman
Advisory Committee on Nuclear Waste
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: DECOMMISSIONING THE WEST VALLEY SITE AND THE APPLICATION OF
PERFORMANCE ASSESSMENT TO DEMONSTRATE COMPLIANCE WITH
THE LICENSE TERMINATION RULE

Dear Dr. Garrick:

I am responding to your June 9, 2004, letter to the Chairman. In that letter you provided the views of the Advisory Committee on Nuclear Waste (hereafter, the Committee) on the decommissioning of the West Valley site and the application of performance assessment (PA) to demonstrate compliance with the License Termination Rule (LTR). In particular, the Committee offered general observations and conveyed a specific recommendation.

We appreciate the Committee's thoughtful observation regarding factors contributing to the complexities of the West Valley site and use of PA in demonstrating compliance with the LTR. We agree that PA will serve as the technical basis for actions proposed in the U.S. Department of Energy's (DOE's) Decommissioning Plan (DP) and Decommissioning Environmental Impact Statement (EIS), and that producing the PA models and writing the DP and EIS will be an iterative process. Although details of the PA are still developing, the Committee was informed that DOE intends to mix deterministic, bounding, and probabilistic analyses in various parts of the assessment. The Committee also is aware of the staff's intent to develop an independent PA model for the West Valley site, and that this model will be probabilistic in nature and use realistic assumptions. We appreciate the Committee's strong support for the staff's efforts to develop an independent PA model to inform our review and facilitate confirmatory analyses of DOE's PA results.

The Committee believes the Commission and staff should encourage DOE to use a risk-informed approach in the PA to the extent practical. We agree with the Committee's recommendation and will continue to encourage DOE to use a risk-informed approach in the PA. This recommendation is consistent with the U.S. Nuclear Regulatory Commission's consolidated decommissioning guidance (NUREG-1757); the PA methodology for low-level waste disposal facilities (NUREG-1573); and the LTR analysis recently approved by the Commission. Collectively, this guidance promotes realism, adequate consideration of uncertainty, and probabilistic analyses. If the analyses are deterministic, they should include numerous sensitivity and uncertainty analyses.

We understand that the Committee intends to meet with representatives of the DOE West Valley staff, the New York State Energy Research and Development Authority, and other stakeholders in the future to obtain their perspectives on the decommissioning plans for the West Valley site. We would be pleased to provide the Committee with contacts to help facilitate such meetings.

In summary, we appreciate the Committee's observations and recommendations related to decommissioning of the West Valley site and the role of the PA in that important effort. We will continue to keep the Committee informed of staff's effort to develop an independent PA and other decommissioning issues.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
SECY

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Executive Director
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Commissioner Merrifield
SECY

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DATE	06/25/04		07/12/04		07/16/04		07/16/04	