

January 5, 2005

Mr. Robert Kossack
Kiski Valley Water Pollution Control Authority
1200 Pine Camp Road
Leechburg, PA 15656

SUBJECT: THE U. S. NUCLEAR REGULATORY COMMISSION STAFF DECISION TO TAKE
NO FURTHER ACTION AT THE KISKI VALLEY WATER POLLUTION CONTROL
AUTHORITY SITE

Dear Mr. Kossack:

I am writing to inform you that, pursuant to the letter to you dated November 7, 2003, the U.S. Nuclear Regulatory Commission (NRC) staff has completed its evaluation of the Kiski Valley Water Pollution Control Authority (KVVWPCA) site to determine if the site meets the criteria for unrestricted use in Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1402. Our evaluation included assessing the potential doses to the public and workers using offsite removal and onsite no-action scenarios and concluded that the doses for these scenarios meet the NRC's criteria for unrestricted use. Therefore, no further remedial action under NRC authority is required. There is no need for you to submit a decommissioning plan to the NRC.

We documented the NRC proposal to take no further action in a draft Environmental Assessment (EA) that was published in the *Federal Register* on September 17, 2004. The comment period for the draft EA ended on October 17, 2004. No comments were received. The EA has been finalized and placed in ADAMS. The Agencywide Documents Access and Management System (ADAMS) accession number is ML043030241. A copy of the final EA is attached.

In concluding that no further action is necessary at the KVVWPCA site, NRC has fulfilled its responsibilities under the Atomic Energy Act to ensure protection of public health and safety and the environment. Although NRC has determined that the site can be released from NRC jurisdiction without further remedial action, Pennsylvania Department of Environmental Protection is not precluded from taking further action under its Solid Waste Management Act.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

If you have any questions regarding this letter, please contact Mr. Ken Kalman, of my staff. Mr. Kalman can be reached by phone at 301-415-6664 or email klk@nrc.gov.

Sincerely,

/RA/

Daniel Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Enclosure: Final Environmental Assessment

cc: See Distribution List

If you have any questions regarding this letter, please contact Mr. Ken Kalman, of my staff. Mr. Kalman can be reached by phone at 301-415-6664 or email kkk@nrc.gov.

Sincerely,

/RA/

Daniel Gillen, Deputy Director
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Office of Nuclear Material Safety
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