

October 27, 2006

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

SUBJECT: PUBLIC RECEPTOR LOCATION IN THE WEST VALLEY PERFORMANCE
ASSESSMENT

Dear Dr. Piciulo:

I am responding to the New York State Energy Research and Development Authority's (NYSERDA's) August 10, 2006, letter requesting clarification of the application of guidance provided in *NUREG-1854: Standard Review Plan for Activities Related to U.S. Department of Energy Waste Determinations, Draft Report for Interim Use and Comment* (SRP) to the West Valley site. In particular, NYSEDA requests: (1) West Valley-specific guidance on how physical site components and administrative boundaries should be treated in a single performance assessment to support the waste incidental to reprocessing, Environmental Impact Statement (EIS), and decommissioning processes; and (2) the U.S. Nuclear Regulatory Commission's (NRC's) concurrence or clarification as to whether NYSEDA has correctly interpreted particular terms used in the SRP to the West Valley site.

The issues for which NYSEDA requests West Valley specific guidance are currently under consideration in the development of the Decommissioning EIS. Thus, I believe that NYSEDA's request is best addressed in conjunction with the ongoing development of that EIS. In March 2006, NRC and other agencies commented extensively on various aspects of the performance assessment modeling in the pre-decisional Decommissioning EIS. We understand that responses to these comments will be circulated for review by cooperating agencies, and outstanding technical issues will be addressed by a team of experts (Core Team Process) from these agencies. With respect to terms used in the draft SRP, the NRC staff is currently considering the comments received on this draft and is preparing to issue a final SRP. Accordingly, it is premature for NRC to concur on NYSEDA's understanding of these terms at this time.

P. Piciulo

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The NRC looks forward to working with NYSERDA and other stakeholders on the decommissioning of the West Valley site.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

cc: R. Armstrong, Seneca Nation of Indians
B. Bower, DOE
P. Giardina, EPA
S. Hammond, NYSDEC
A. Salame-Alfie, NYSDOH

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