

October 8, 2008

U.S. Nuclear Regulatory Commission
Attn: Larry Camper, Director
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
Washington D.C. 20555

Dear Mr. Camper:

SUBJECT: Western New York Nuclear Service Center, Trespass Postings

The purpose of this letter is to inform the U.S. Nuclear Regulatory Commission (NRC) of the New York State Energy Research and Development Authority's (NYSERDA) plan to post additional warnings on the Western New York Nuclear Service Center (WNYNSC) to prevent intentional or inadvertent trespass on potentially-contaminated property. Specifically, NYSERDA will be placing warning signs on the Retained Premises along sections of Franks Creek and Buttermilk Creek downstream of the West Valley Demonstration Project (WVDP) boundary. This action is being taken due to two recent trespass incidents and the potential for intentional or inadvertent trespassers to come into contact with potentially contaminated stream sediments and surface water releases from the North Plateau Groundwater Plume and the WVDP lagoons in these two stream channels.

NYSERDA was recently made aware that an individual had intentionally trespassed on the WNYNSC to photograph erosion features and entered an area of suspected radioactive contamination. The trespasser was asked to bring his boots and shoes to the WVDP for radiological screening. No contamination was identified as a result of the screening. The second recent trespass incident involved three individuals who were found fishing in the WVDP reservoirs. They did not enter areas of potential contamination.

In response to these trespass incidents, NYSERDA issued a public notice that any individuals caught on the WNYNSC property will be prosecuted for trespassing. We are hopeful the stream channel postings will provide an additional deterrent to keep intentional or inadvertent trespassers from entering areas of suspected contamination on the Retained Premises. A perimeter two-strand barbed wire fence with postings is already present along the entire WNYNSC boundary.

PJB/08tha079.end

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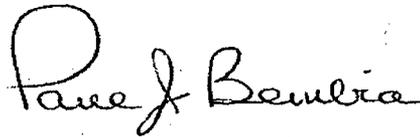
Messr. Larry Camper
Page 2
October 8, 2008

NYSERDA will install postings along the stream channels at three locations, as identified on the enclosed map. The posting signs will be in black letters on a yellow background reading "*No Trespassing, Restricted Area - Trespassers Will Be Prosecuted.*" A magenta trefoil (i.e., radioactive materials symbol) also will be on the sign. NYSERDA intends to deploy the postings in October 2008.

If you need further information or you would like to discuss this further, please contact Tom Attridge, NYSERDA's Program Manager for the SDA and Retained Premises at (716) 942-9960 (ext. 2453) or tha@nyserda.org.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



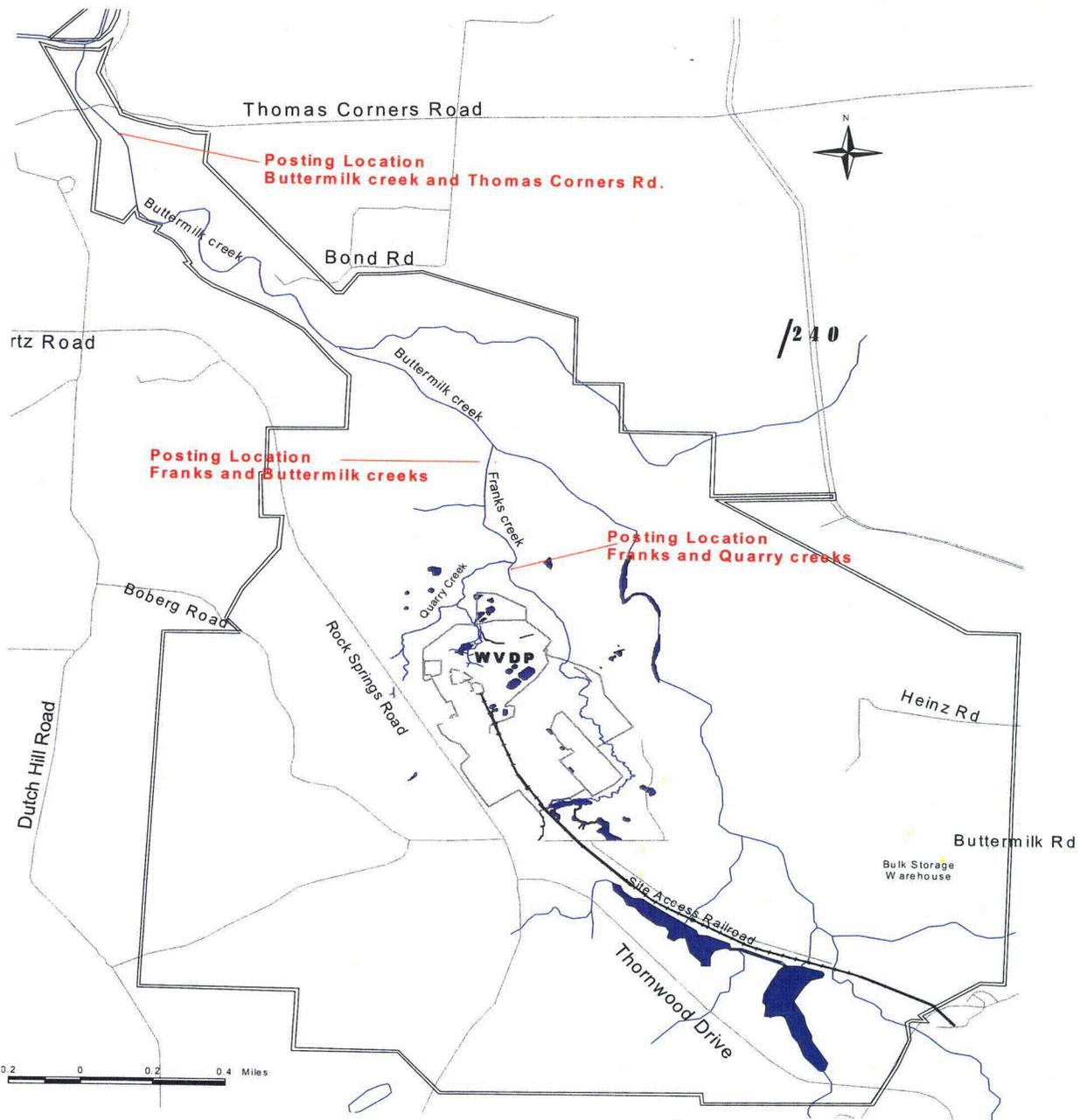
Paul J. Bembia, Director

THA/end

Enclosure:

1. Map of Posting Locations within the WNYNSC.

cc: K. I. McConnell, USNRC (w/enc.)
R. Tedesse, USNRC (w/enc.)
M. C. Roberts, USNRC (w/enc.)
C. Glenn, USNRC (w/enc.)
B. C. Bower, DOE-WVDP (w/enc.)
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File



Posting Locations within the WNYNSC