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F. WILLIAM VALENTINO
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August 14, 1996

Mr. Carl J. Paperiello, Director
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington, D.C. 20655

Dear Mr. Paperiello:

SUBJECT: Decontamination and Decommissioning Criteria for the Western New York Nuclear Service Center (Center) and NRC Staff Cooperation with the Citizen Task Force (CTF) for the Site

The New York State Energy Research and Development Authority (NYSDERDA) is writing to request NRC's guidance with regard to processes that could be followed to set a single set of decontamination and decommissioning criteria for the West Valley Demonstration Project (WVDP) and the Part 50 licensed facilities at the Center. NYSDERDA is also requesting NRC's staff support for a CTF that is being formed to discuss issues associated with the completion of the WVDP and closure or long-term management of the facilities at the Center.

NYSDERDA holds title to the Center on behalf of the state of New York. The Center was formerly the site of a commercial spent nuclear fuel reprocessing facility; and is now the site of the WVDP, a joint federal and state cleanup effort operated by the United States Department of Energy (DOE). NYSDERDA is also the licensee under an NRC Part 50 license for the facilities at the Center (License No. CSF-1), which is currently being held in abeyance during the term of the WVDP.

DOE and NYSDERDA recently released a Draft Environmental Impact Statement for Completion of the WVDP and Closure or Long-Term Management of the Facilities at the Center (DEIS). NRC is participating in the DEIS process as a cooperating agency for the purpose of setting decontamination and decommissioning criteria for the WVDP. We understand that DOE staff are preparing a letter to NRC that will propose a plan for setting WVDP decontamination and decommissioning criteria. In previous discussions with NRC staff, NYSDERDA has made the point that it is essential, both from a technical and from a legal standpoint, that a single, coordinated set of criteria be developed that will cover the entire Center. NYSDERDA understands the complexities of attempting to develop a single set of criteria for a site that is not only governed by both the WVDP Act and a Part 50 license, but which also includes a State-licensed, Low-Level, Radioactive Waste Disposal Area regulated by the New York State Department of Environmental Conservation (NYSDEC), under NRC's Agreement States Program. However, NYSDERDA firmly believes that if these efforts are not fully integrated, any criteria that are fashioned for the Center will fail to address legitimate technical concerns, and will ultimately succumb to legal challenges. **NYSDERDA requests NRC's guidance on establishing a procedure that will meet all regulatory requirements and allow NRC to set criteria for the Part 50 license simultaneously with the criteria for the WVDP.** NYSDERDA would like to meet with appropriate NRC representatives, together with representatives of DOE and NYSDEC, as soon as possible to formulate a coordinated process.

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Mr. Carl Paperiello
Page 2
August 14, 1996

As NYSERDA staff have previously informed NRC staff, NYSERDA will be establishing a CTF, with DOE's cooperation, to provide recommendations to the agencies on issues that could impact the completion of the WVDP and closure or long-term management of the facilities at the Center. We believe that NRC's willingness to provide staff support to answer questions that CTF members may have about technical concerns, regulatory issues, or other matters, within NRC's regulatory authority and expertise, will be extremely important to its success as the CTF is likely to have many questions about the regulatory requirements and procedures that would be necessary to implement any of the closure or management alternatives analyzed in the DEIS. We trust that NRC staff will participate in this effort to provide an opportunity for greater meaningful public participation in the deliberations concerning the future of West Valley.

NYSERDA and DOE hope to have the CTF up and running some time during the month of October. It would be extremely helpful if we could meet with appropriate NRC representatives as soon as possible so that we could attempt to formulate a process to arrive at a coordinated set of decontamination and decommissioning criteria for the site in time to present this process to the CTF early on in its deliberations.

I would appreciate it if an appropriate representative from NRC staff would contact me regarding NRC staff cooperation with the CTF and potential dates for a meeting to discuss the process of developing a coordinated set of criteria for the Center and the WVDP.

Thank you for your consideration and your prompt attention to this matter.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

TL Picciolo for

Paul L. Picciolo, Ph.D.
Program Director

PLP/amw

cc: T. J. Rowland (DOE)
H. J. Miller (NRC)
G. C. Comfort (NRC)
P. J. Merges (NYSDEC)