



NYSERDA New York State Energy Research and Development Authority

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August 10, 2006

Mr. Larry Camper, Director
Div. of Waste Management & Env. Protection
US Nuclear Regulatory Commission
NMS/DWM/DCB
TWFN - T7F27
11545 Rockville Pike
Rockville, MD 20852

Dear Mr. Camper:

SUBJECT: Public Receptor Location in West Valley Performance Assessment Modeling

The New York State Energy Research and Development Authority (NYSERDA) recently reviewed and submitted comments on *NUREG-1854, Standard Review Plan for Activities Related to U.S. Department of Energy Waste Determinations, Draft Report for Interim Use and Comment (SRP)*. We were pleased to note that the SRP provided guidance on terminology, and appropriate location and lifestyle assumptions for public receptors in performance assessment modeling for waste incidental to reprocessing determinations (see Footnote 1 on Page 1-1 and Section 4.1.1.4, *Receptor Characteristics*). NYSERDA is writing to seek

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NYSERDA is requesting this performance assessment guidance while continuing to have serious doubts about whether WIR criteria can be applied to reclassify residual high-level radioactive waste (HLRW) that may remain in tanks at West Valley. The West Valley Demonstration Project (WVDP) Act has a unique definition of HLRW, and West Valley differs from U.S. Department of Energy (DOE) sites in South Carolina and Idaho, where Section 3116 of the National Defense Authorization Act applies, in that West Valley is a state-owned site. Assuming, for the sake of argument, that the WIR process can be applied by DOE and NRC at West Valley, the presence of state-owned, state-managed property adjacent to state-owned, DOE-controlled property provides a complexity not present at the DOE WVDP sites. The presence of state-owned property adjacent to DOE-controlled property at West Valley creates a unique set of circumstances that are not addressed by the DOE WVDP Act. The presence of state-owned property adjacent to DOE-controlled property at West Valley creates a unique set of circumstances that are not addressed by the DOE WVDP Act.

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exposure is more than 100 m from the disposal unit.

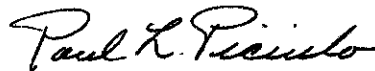
NRC clarification of performance assessment receptor-related terminology and assumptions as well as a clear establishment of an expectation of equally protective and consistent modeling approaches across all the HLRW sites will benefit the three ongoing performance assessment-based regulatory processes at West Valley by clearly describing unit boundaries, size assumptions for buffer zones and appropriate public receptor locations. For instance, the SRP indicates that an appropriate buffer zone is 100 m beyond the unit boundary

and that a public receptor should be located at the edge of this buffer zone. This SRP-proposed buffer zone size assumption and public receptor location is in stark contrast to the public receptor location used in some of the dose estimates in the West Valley 2005 Pre-Decisional Draft EIS where the nearest public receptor was located two miles from the major source-term units on the site. Clarification of these matters now will ensure the efficiency of future performance assessment efforts and reduce the need for multi-agency reviews.

Thank you in advance for responding to this request for clarification; and, once again, we commend the NRC for the high quality of the SRP. If you have any questions regarding this request, please contact Colleen Gerwitz at (716) 942-9960, ext. 4435.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



Paul L. Piciulo, Ph.D.
Director

CLG/amd

cc: P. R. Smith, NYSERDA-Albany
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