

February 3, 2003

Alice C. Williams, Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, New York 14171-9799

Dear Ms. Williams:

As you are aware, on February 1, 2002, the U.S. Nuclear Regulatory Commission (NRC) published its Final Policy Statement on Decommissioning Criteria for the West Valley Policy Demonstration Project (WVDP) (Statement of Policy, 67 FR 5003). NRC is now in the process of developing an Implementation Plan that will describe the NRC's intent for the decommissioning process for the WVDP and the NRC-licensed site.

Although the U.S. Department of Energy (DOE) is not an NRC licensee at the site, NRC believes that the decommissioning of the WVDP should follow the same basic steps as NRC's standard decommissioning process. Therefore, I am writing to request that DOE submit a Decommissioning Plan (DP) to the NRC. The DP should follow the guidance in NUREG-1727 (NMSS Decommissioning Standard Review Plan) and NUREG-1757 (Consolidated NMSS Decommissioning Guidance). The DP will provide the basis for NRC's determination of whether the preferred alternative will meet the decommissioning criteria in accordance with the WVDP Act. In addition, submittal of a DP will aid in ensuring that documentation regarding decommissioning of the WVDP facilities is adequate to support termination of the Part 50 license, should the New York State Energy Research and Development Authority ultimately seek such action.

NRC requests that the DP be submitted at approximately the same time as the Draft Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center. This would allow parallel review of information in the EIS and DP. We believe that the DP will provide NRC the information necessary for its reviews. Preparation of the DP should not require DOE to develop significant information beyond that already being developed for the EIS. In addition, we recognize that the development of the EIS and the preferred alternative is ongoing, and that DOE's Record of Decision is not required to select the preferred alternative identified in the EIS and DP.

A. Williams

2

Please provide confirmation within 30 days that DOE will provide a DP, and a proposed schedule for the DP. NRC looks forward to working with DOE during the development of the EIS and the DP. If you have any questions, please feel free to contact me at 301-415-7234.

Sincerely,

/RA/

Larry Camper, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
And Safeguards

cc: Paul Giardina, EPA
Paul Merges, NYSDEC
Paul Piciulo, NYSERDA
Adela Salame-Alfie, NYSDOH

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2

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