

November 14, 2008

Mr. Bryan C. Bower
Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: NYSERDA's Preliminary Comments on the Draft Phase 1 Decommissioning Plan for the West Valley Demonstration Project

Dear Mr. Bower:

The New York State Energy Research and Development Authority (NYSERDA) received the November 6, 2008 draft of the *Phase 1 Decommissioning Plan for the West Valley Demonstration Project* and plans to perform a detailed review of the document. As the Decommissioning Plan (DP) is quite extensive, NYSERDA is unable to perform a thorough review within the seven-work days allotted to meet the November 14, 2008 deadline.

Based on a very preliminary review of the document, we are providing an initial comment package on the DP (Attachment 1). NYSERDA has provided a proposed resolution for each of our comments, and indicated whether or not our comment should be addressed prior to submission to the Nuclear Regulatory Commission (NRC).

NYSERDA intends to conduct a more detailed review of the DP after the NRC submittal in December 2008. Any comments and questions that arise during that review will be forwarded to the Department of Energy (DOE) as well as the NRC for their consideration during their review and the subsequent preparation of Requests for Additional Information (RAIs).

DOE has stated that the DP is a "living document," and, as such, it will be revised as circumstances warrant. Since the DP and its implementation is very important to the progress of the WVDP as well as the termination of the NRC license, NYSERDA expects to be kept apprised of any such revisions to the document.

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Thank you for providing this draft DP for our review. NYSERDA looks forward to working with DOE on this very important phase of the WVDP decommissioning.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

Handwritten signature of Paul J. Bembia in black ink, written in a cursive style. The signature includes the word "for" at the end.

Paul J. Bembia
Director

PLP/amd

Attachment:

1. *NYSERDA Comments on the Phase 1 Decommissioning Plan for the West Valley Demonstration Project*

c: M. N. Maloney, DOE-WVDP (w/att.)
L. W. Camper, USNRC (w/att.)
K. I. McConnell, USNRC (w/att.)
C. J. Glenn, USNRC (w/att.)
E. E. Dassatti, NYSDEC (w/att.)
J. Eng, USEPA, (w/att.)
D. A. Munro, NYSERDA-Albany (w/att.)
J. C. Kelly, NYSERDA-WV (w/att.)
P. L. Piciulo, Ph.D., NYSERDA-WV (w/att.)
File #60202

DOE Comment Resolution Sheet for WVDP Phase 1 Decommissioning Plan

Reviewer: NYSERDA

Cmt #	Section, Page, Paragraph, and Line	Comment	Reviewers Proposed Resolution	SAIC Proposed Resolution
1	General	<p>NYSERDA has performed a preliminary review of the <i>Phase 1 Decommissioning Plan for the West Valley Demonstration Project (DP)</i> and is providing initial comments below. NYSERDA will review the DP that the Department of Energy (DOE) submits to the Nuclear Regulatory Commission (NRC) in December 2008. Comments and questions that we have during our review will be sent to the NRC (as well as DOE) for their consideration during their review of the DP, and the preparation of Requests for Additional Information (RAIs).</p>	N/A	
2	<p>Figure 2-7, Page 2-38; Figure ES-5, Page ES-13; Figure 1-1, Page 1-5</p>	<p>The 1984 Aerial Radiation Survey isopleths, shown in Figure 2-7, represent CS-137 gamma radiation measurements associated with Cs-137 deposition from the Main Plant Process Building (MPPB) filter failure; contamination in creek sediments; and radiation emanating from the high-level waste (HLW) tanks, MPPB and the disposal areas.</p> <p>It is not appropriate (and may be misleading) to attribute the radiation in the areas outlined in Figure ES-5 ("Cesium Prong [Impacted Surface soil, >25 mR/hr in 1984]") and Figure 1-1 (Approximate Edge of Cesium Prong [25 mrem/yr in 1984]) solely to the deposition of airborne Cs-137 based on an interpretation of radiation levels in Figure 2-7. If this is the basis</p>	<p>The Decommissioning Plan should acknowledge that there is little characterization data to verify the extent of surface soil contamination associated with the Cs-Prong on the West Valley Demonstration Project (WVDP) premises and the Western New York Nuclear Service Center (Center); and that additional characterization, similar to that performed for the off-site portion of the Cs-Prong, will have to be performed to delineate the Cs Prong area.</p> <p>Remove the boundary lines, shaded area, and Cesium Prong labels from Figures ES-5 and 1-1.</p>	

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		for defining the Cs Prong areas in Figure ES-5 and 1-1, then the boundary lines and Cs Prong labels should be removed from the figures.	This comment should be resolved prior to submittal of the DP to the NRC in December 2008.	
3	Section 1.9, Page 1-13, Paragraph 5	This section states that all radioactive waste produced during the decommissioning will be disposed of offsite. At the time of this DP, there is no disposal path for WVDP transuranic (TRU) waste. The DP states that parts of the HLW pumps are expected to result in TRU waste. The plan should also acknowledge that orphan wastes (i.e., TRU waste), may be generated during decommissioning and will require on-site storage pending a future disposal path. Removal of LSA 4 in the first two years of decommissioning (as shown in the Conceptual Schedule of Phase 1 Decommissioning Activities [Page 7-49]) may be premature. In addition to serving as a storage option for orphan waste, LSA 4 and the shipping depot can provide valuable space for short-term storage as well as a loading and staging area.	<p>Address the potential for generation and storage of orphan waste as well as the options for short-term storage of waste awaiting off-site disposal.</p> <p>This comment should be resolved prior to submittal of the DP to the NRC in December 2008.</p>	
4	Section 2.2.2, Table 2-13, Page 2-16	The Old Sewage Treatment Plant should be included in Table 2-13 as it is being remediated by the WVDP before decommissioning.	<p>Include the Old Sewage Treatment Plant in Table 2-13.</p> <p>This comment should be resolved prior to submittal of the DP to the NRC in December 2008.</p>	
5	Section 2.2.2, Table 2-13, Page 2-28;	The draft Decommissioning Plan references the “Old Hardstand” and the “Old/New Hardstand.” It appears that these descriptors refer to the	Replace “Old Hardstand” with “Old/New Hardstand” as appropriate throughout the Decommissioning Plan.	

Cmt #	Section, Page, Paragraph, and Line	Comment	Reviewers Proposed Resolution	SAIC Proposed Resolution
	Section 2.3.4, Table 2-17, Page 2-40; Section 2.4.1, Page 2-43, Paragraph 2; Section 3.1.3, Page 3-18, Paragraph 4, Bullet 1; Section 4.2.5, Page 4-41, Paragraph 5; Section 7.1.3, Page 7-38, first line	same area. The terminology should be consistent in the DP. NYSERDA prefers that “Old/New Hardstand” be used to identify this hardstand as it is the descriptor used in the contaminated soils list that DOE and NYSERDA have discussed. Changing “Old Hardstand” to “Old/New Hardstand” will help to avoid confusion as to which area is being referenced in different contexts.	This comment should be resolved prior to submittal of the DP to the NRC in December 2008.	
6	Section 2.4.2, Table 2-20, Page 2-44	Is there a difference between “hulls” and “fuel casing” as used in Row 2, column 2 of Table 2-20? According to the Draft Decommissioning EIS, “ <i>miscellaneous wastes other than leached hulls or related spent fuel debris,</i> ” were disposed in the Special Holes. Should “fuel casings” be listed as a typical waste type in the Special Holes?	Explain the difference between hulls and fuel casing. Ensure that the description listed in Table 2-20 is consistent with the descriptions presented in Appendix C of the Draft EIS. This comment may be resolved prior to or after submittal of the DP to the NRC in December 2008.	
7	Section 7.3.8, Page 7-25, and Section 7.3.9, Page 7-27	The fourth “bullet” on Page 7-25 states that uncontaminated soil resulting from the hydraulic barrier wall installation in support of the WMA 1 soil excavation will be disposed of offsite. The text in Paragraph 1 on Page 7-27 states that for site restoration “ <i>backfill material will be obtained from similar offsite geologic deposits.</i> ” Wouldn’t it be more cost effective to store uncontaminated soils onsite for use during	Revise the DP as appropriate to describe temporary storage of uncontaminated soils from excavations so they can be used during site restoration. This comment may be resolved prior to or after submittal of the DP to the NRC in December 2008.	

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		backfill activities for site restoration?		
8	Section 7.4.3, Page 7-33, Top of page	<p>This section describes the excavation of the contaminated soils from the lagoons. The last two sentences state: <i>“Soil with radioactivity concentration exceeding cleanup goals will be excavated as close to the hydraulic barrier as practicable. However, the lateral extent of the remediation will not exceed the boundary shown in Figure 7-10 during Phase 1.”</i> Is it possible that all contaminated soil associated with the lagoons may not be removed during Phase 1 and additional remediation may be needed in the future after the excavation is backfilled with uncontaminated soil?</p> <p>The approach for decommissioning the lagoons should be based on sufficient characterization and planning such that the potential for re-excavation of the remediated area would be minimal. This initial DP should not presume the extent of the area to be cleaned up.</p>	<p>The decommissioning work plan for the lagoons should be informed by adequate site characterization to avoid the potential for re-excavation of an area that has already been remediated. Revise the DP as appropriate.</p> <p>This comment should be resolved prior to submittal of the DP to the NRC in December 2008.</p>	
9	Section 7.5.2, Page 7-35, Paragraph 4	<p>The third “bullet” in this section states that the HLW tank pump support structures will be removed in conjunction with removal of the pumps. The Conceptual Schedule of Phase 1 Decommissioning Activities (Page 7-49) indicates that pump removal will occur in Year 2 of the decommissioning work. Given that the 30-year period for studies to inform Phase 2 decisions is expected to include the review of HLW tank removal options, it is premature to assume that the support structures over the HLW tanks will not be needed for future tank removal or decontamination operations.</p>	<p>Delete the removal of the HLW tank pump support structures from the Phase 1 Decommissioning Plan.</p> <p>This comment should be resolved prior to submittal of the DP to the NRC in December 2008.</p>	

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10	Section 7.12, Figure 7-15, Page 7-49	<p>The Conceptual Schedule of Phase 1 Decommissioning Activities shows that Phase 1 decommissioning activities will require 12 years to complete. The Decommissioning EIS presents an eight-year schedule for Phased Decisionmaking activities. Why has the schedule increased? The Decommissioning EIS presented a total cost of approximately \$800 million for Phase 1 Decommissioning (with an additional \$200 million for TRU waste and HLW disposal). Has the cost for Phase 1 Decommissioning, as described in the DP, changed significantly from that presented in the dEIS?</p> <p>Figure 7-15 shows activity durations in various colors but does not define the colors in the legend.</p>	<p>Explain the basis for the 12-year schedule for implementation of Phase 1 Decommissioning. Also, what is the estimated cost for the project?</p> <p>Define the color scheme used in the Conceptual Schedule.</p> <p>These comments pertaining to the conceptual schedule presented in Figure 7-15 should be resolved prior to submittal of the DP to the NRC in December 2008.</p>	