

May 15, 2009

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

SUBJECT: REQUESTS FOR ADDITIONAL INFORMATION ON PHASE 1
DECOMMISSIONING PLAN FOR THE WEST VALLEY DEMONSTRATION
PROJECT

Dear Mr. Bower:

This letter transmits the enclosed U.S. Nuclear Regulatory Commission (NRC) requests for additional information (RAI) related to the NRC staff's review of the U.S. Department of Energy (DOE) Phase 1 decommissioning plan (DP) for the West Valley Demonstration Project (WVDP). The DOE plan was submitted on December 3, 2008, and revised on March 16, 2009. In order to complete our review by December 2009, the NRC requests responses to the RAI by August 15, 2009. The NRC will then document the results of its review in a technical evaluation report.

As prescribed by the WVDP Act, the NRC's review of the DOE's Phase 1 DP is an informal process. The NRC does not have a licensing role, and may not include or require formal procedures or actions. Because the stated objective of the Phase 1 DP is to meet the unrestricted use criteria in 10 CFR § 20.1402, it is not necessary to seek advice from affected parties, as specified for restricted release under 10 CFR § 20.1403 or § 20.1404.

The NRC has received comments on DOE's Phase 1 DP from the New York State Energy Research and Development Authority; New York State Department of Environmental Conservation; U.S. Environmental Protection Agency; West Valley Citizen Task Force; Center for Health, Environment & Justice; Nuclear Information and Resource Service; and Citizens' Environmental Coalition. We have considered these comments in the development of the RAI, and have incorporated the substance of those comments as appropriate in the final RAI transmitted with this letter.

The staff's review of the DP has occurred concurrently with its review of the draft Environmental Impact Statement (EIS). If the EIS process results in the selection of a different preferred alternative from that considered in the Phase 1 DP, the DP would need to be revised and resubmitted for NRC review. It is also NRC's expectation that the DOE will submit a Phase 2 DP for NRC review. The Phase 2 DP would guide remediation activities for remaining WVDP facilities.

B. Bower

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If you have any questions, please contact Rebecca Tadesse at (301) 415-0606, or Chad Glenn at (301) 415-6722.

Sincerely,

/RA/

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosure: RAI for Phase 1 DP

cc: P. Bembia, NYSERDA
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G. Baker, NYSDOH
P. Giardina, US EPA
B. Snyder Sr., Seneca Nation of Indians
B. Logue, for WVCTF
A. Rabe, CHE&J
D. D'Arrigo, NIRS
B. Warren, CEC

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