



Department of Energy

West Valley Demonstration Project
10282 Rock Springs Road
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August 13, 2009

Dr. 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
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Submission of U.S. Department of Energy (DOE) Responses to Requests for Additional Information (RAI) for the Phase 1 Decommissioning Plan for the West Valley Demonstration Project for U.S. Nuclear Regulatory Commission Review

- REFERENCES:**
- 1) Letter (10087), K. I. McConnell to B. C. Bower, "Requests for Additional Information on Phase 1 Decommissioning Plan for the West Valley Demonstration Project," dated May 15, 2009
 - 2) Letter MNM:100583 - 450.4, B. C. Bower to K. I. McConnell, "Submission of Revision 1 to the Phase 1 Decommissioning Plan (DP) for the West Valley Demonstration Project for U.S. Nuclear Regulatory Commission Review," dated March 16, 2009
 - 3) Letter (100126), C. V. Anderson to K. I. McConnell, "Submission of the Phase 1 Decommissioning Plan (DP) for West Valley Demonstration Project (WVDP) for U.S. Nuclear Regulatory Commission (NRC) Review," dated December 3, 2008

Dear Dr. McConnell:

This letter transmits the DOE responses to 38 of the 44 NRC RAIs resulting from the NRC technical review of the Phase 1 DP for the West Valley Demonstration Project, Rev. 1 (References 1 and 2).

Enclosed are twenty paper copies of the RAI response package along with 20 compact disks. Each compact disk contains an electronic copy of the RAI responses, the references cited in the RAI responses that are not already in the decommissioning plan, and calculation packages and the associated electronic files for three dose modeling scenarios that were evaluated to complete several of the RAI responses.

Background

On May 15, 2009, NRC transmitted 44 RAIs to the DOE after completing its technical review of the WVDP Phase 1 DP that was submitted for NRC review on December 3, 2008 (Reference 3) and revised on March 16, 2009 (Reference 2).



Reference 1 explained that the NRC's review of the DOE Phase 1 DP for the WVDP is an informal process as the NRC does not have a licensing role and may not include or require formal procedures or actions of the DOE, as prescribed by the WVDP Act of 1980 (Public Law 96-368). Reference 1 indicated that the NRC received comments on the WVDP 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 Citizens Task Force; Center for Health, Environment & Justice; Nuclear Information and Resource Service; and Citizens Environmental Coalition. The NRC considered these comments and incorporated the substance of those as appropriate in the final RAI transmitted with Reference 1.

DOE is responding to these RAIs in two parts. Responses to the first group of 38 RAIs are provided herein. Responses to the remaining 6 RAIs will be provided to NRC on September 17, 2009. This two-part approach is necessary to allow time to factor in the results of additional computer modeling being performed to help resolve some of the RAIs.

RAI Response Content

This RAI response package contains responses to 38 of the 44 RAIs that the NRC submitted to the DOE on May 15, 2009. Responses to the 6 remaining RAIs (5C1, 5C3, 5C9, 5C15, 5C16, and 5C17) will be submitted to the NRC in another transmittal on September 17, 2009, as discussed above.

Each NRC RAI and DOE response is presented in the following format:

NRC RAI Number - The NRC RAI number is identified;

Subject - DOE has added a brief statement of the RAI subject for clarity;

RAI - A complete copy of the NRC RAI is presented;

Basis - A complete copy of the NRC basis for the RAI is provided;

NRC Path Forward - A complete copy of the NRC path forward is provided;

DOE Response - The response answers the NRC RAI and provides requested information;

Changes to the Plan - Changes to the DP are identified; and

References - References are included where appropriate.

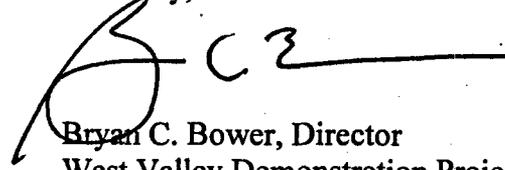
The introduction provides a table of contents that identifies the three cases where calculation packages are provided in this submittal. Those remaining calculation packages to be submitted with the second group of RAI responses are also identified.

For Further Information

Please note that DOE's RAI responses and the proposed decommissioning approach are based on the preferred alternative in the Revised Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center, which is referred to as the Decommissioning EIS. If changes to that document occur during the course of the National Environmental Policy Act process that affect the Phase I DP for the WVDP, such as changes to the preferred alternative, or if a different approach is selected in the Record of Decision, the DP will be revised as necessary to reflect the changes.

Please let DOE know if the NRC needs any additional references or other information for its review of the DOE responses to the NRC RAI on the Phase 1 WVDP DP, Rev. 1. Please refer any questions about this submittal to Moira Maloney of my staff at (716) 942-4255.

Sincerely,



Bryan C. Bower, Director
West Valley Demonstration Project

Enclosures: DOE Responses to RAIs (20 copies) + 20 CDs

cc: C. P. Murnane, DOE-HQ, EM-3.3, FORS, w/enc.
M. A. Pearson-Hurley, DOE-HQ, EM-3.3, w/o enc.
M. J. Letourneau, DOE-HQ, EM-11, CLOV, w/enc.
M. N. Maloney, DOE-WVDP, AC-DOE, w/enc.
L. Camper, NRC, w/o enc.
C. Glenn, NRC, w/o enc.
R. Tadesse, NRC, w/o enc.
P. J. Bembia, NYSERDA, AC-NYS, w/enc. (6 copies)

MNM:101194 - 450.4