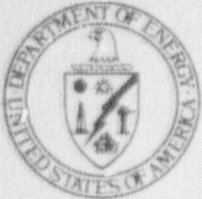


Project M-32
PDR / LPDR



Department of Energy

Idaho Operations Office
West Valley Project Office
P.O. Box 191
West Valley, NY 14171

August 17, 1989

Mr. R. Davis Hurt
Nuclear Regulatory Commission
Headquarters
Washington, DC 20555

SUBJECT: Request for Review of West Valley Demonstration Project (WVDP)
Site Characterization Plan

Dear Mr. Hurt:

Transmitted herewith is the WVDP Phase II Site Characterization Plan and Performance Assessment Plan in consultation draft form. Within the context of the existing Western New York Nuclear Service Center (WNYNSC) data base, these documents describe the scope of the site characterization activities and the present direction of the Performance Assessment activities necessary to develop the data required for informed decision making regarding Project completion and WNYNSC closure.

Nuclear Regulatory Commission (NRC) Staff input to this plan would be consistent with the Commission's role in the WVDP and their obligations under the West Valley Demonstration Project Act (P.L. 96-368) and the Council on Environmental Quality regulations (40 CFR 1500, et seq.) More importantly, comments provided by you and your colleagues will help assure Phase II plans and programs are developed on as sound a basis as practicable. Clearly, the proper and complete execution of the programs contemplated in the subject plan is fundamental to the expeditious completion of the WVDP and the closure of the WNYNSC.

As you know, the WVDP Act at Section 2(a)(4) specifically requires DOE to dispose of Project low-level radioactive waste or transuranic wastes "in accordance with applicable licensing requirements." In your letter dated August 18, 1987, you stated NRC was not yet ready to endorse the applicability of the 10 CFR Part 61 classification to these wastes. That letter also indicated that though the upper bound of radionuclide concentration limits in Part 61 were not directly applicable to reprocessing wastes, NRC would consider the issue after additional DOE analysis. Since the concern apparently arises from the extent of the coverage in the EIS that provided the decision basis for 10 CFR Part 61, you should ensure that your comments reflect any concerns or guidance the NRC may have on the adequacy of the characterization plan to provide sufficient data for NRC decision making regarding the disposal of these Project wastes. In its review, NRC should be cognizant of issues related to the potential for NRC adoption or tiering off of environmental documents, whether NRC or DOE generated.

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DF04 Original
4/1 To: Florence Brown
Add: J Kane LLWM
R. Weller LLWM
Additional information

August 17, 1989

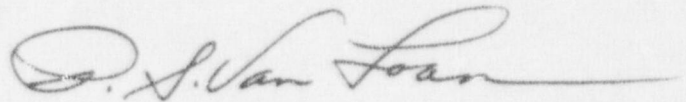
Similar issues to a certain extent also surround NRC decision making regarding "requirements" for decontamination and decommissioning as they may be "prescribed" by the NRC pursuant to Section 2(a)(5) of the WVDP Act.

Because of the need to initiate the planned studies promptly, we would be most appreciative of a coordinated review reflecting the input of appropriate Staff members. After the Staff have reviewed the documents, I believe we should have a meeting to discuss your comments or questions prior to your written response. Once your input, and that to be derived from other reviewers, is integrated into the subject plans, it will be formally submitted in accordance with the Memorandum of Understanding.

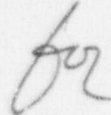
For your information we have included the latest Draft EIS Implementation Plan. We will also be sending this Plan to the Nuclear Energy Program Office in Headquarters and DOE-Idaho for their concurrence prior to submittal to DOE Headquarters.

If you have any questions about this transmittal or wish to discuss any elements in the plan, please call Phil Van Loan or Chuck Ljungberg of my staff at FTS 473-4447 or FTS 473-4478.

Sincerely,



W. W. Bixby, Director
West Valley Project Office



Enclosure

cc: J. E. Solecki, DOE-ID
J. H. Barry, DOE-ID
B. Bowhan, DOE-ID
C. Osborne, DOE-HQ
J. L. Knabenschuh, WVNS

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