



Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

March 18, 2011

Ms. Barbara Warren, Executive Director
Citizens' Environmental Coalition
33 Central Avenue, 3rd Floor
Albany, NY 12210

SUBJECT: Citizens' Environmental Coalition (CEC) Comments on the Phase 1
Characterization Sampling and Analysis Plan for the West Valley Demonstration
Project (WVDP) and West Valley Phase 1 Studies

- REFERENCES: 1) E-mail (105086), B. Warren to M. N. Maloney and B. C. Bower, "Phase I
Studies," dated March 2, 2011
- 2) Letter (103112), B. Warren to B. C. Bower, "CEC Comments on the
Characterization Sampling and Analysis Plan," dated May 11, 2010
- 3) Letter MNM:103221 - 450.4, B. C. Bower to B. Warren, "Citizens'
Environmental Coalition Comments on the Phase 1 Characterization
Sampling and Analysis Plan (CSAP) for the West Valley Demonstration
Project," dated July 7, 2010
- 4) Informal Memorandum (105089), B. C. Bower to B. Warren,
"Nondeliverable Response Letter," dated July 22, 2010

Dear Ms. Warren:

The U.S. Department of Energy (DOE) thanks the CEC for its continued interest and input into the development of the "*Phase 1 Characterization Sampling and Analysis Plan, West Valley Demonstration Project*". The February 2010 draft of the CSAP is being revised considering technical comments submitted by the U.S. Nuclear Regulatory Commission (NRC), the New York State Energy Research and Development Authority (NYSERDA), and public stakeholders, including the CEC. The DOE expects to submit the next CSAP revision to the NRC in April 2011.

As you are aware, the DOE has responded to your earlier CEC correspondence and has afforded you several opportunities to discuss the content of the CSAP with DOE and our consultant, Argonne National Laboratory (ANL). At the Citizen's Task Force meeting held on March 24, 2010, which you attended via telephone, DOE's consultant, ANL, provided a presentation to the public on the CSAP. Similarly, at your request, DOE had ANL discuss the CSAP at our Quarterly Public Meeting held on August 3, 2010. You attended via telephone. Additionally, representatives of DOE and NYSERDA personally met with you on May 4, 2010 to discuss the content of the CSAP. The DOE responded to your May 11, 2010 and June 7, 2010 correspondence on July 7, 2010. This correspondence was returned to the DOE on July 20, 2010 after Federal Express failed in several attempts to deliver the letter to the CEC address at



(450.4)
105088

March 18, 2011

33 Central Avenue, 3rd Floor, Albany, NY 12210. On July 22, 2010 the DOE sent the letter via U.S. Mail and Federal Express to your personal address at [REDACTED]

[REDACTED] During an October 25, 2010 telephone call with you, Moira Maloney of my staff correctly described the CSAP as a support document for the Phase 1 Decommissioning Plan for the WVDP (DP) and is not to be considered as a Phase 1 Study. In an e-mail response to you on May 12, 2010, Paul Piciulo of NYSERDA explained why the NYSERDA-managed Waste Management Area (WMA) 8 and WMA 11 are not included in the CSAP, which is a required document for the Decommissioning Plan (DP).

As discussed with you previously, the CSAP describes the radiological environmental data collection activities that will specifically support the implementation of the Phase 1 decommissioning actions within the WVDP project premises which are described in the DP. Section 9.0 of the DP, Facility Radiation Surveys, identified the various facility radiation surveys (background, characterization, final status) that are required to support the Phase 1 Decommissioning of the WVDP. The DP required the preparation of two supplemental documents, the CSAP and the Phase 1 Final Status Survey Plan (FSSP), which would provide the specific details of the sampling activities to support Phase 1 decommissioning.

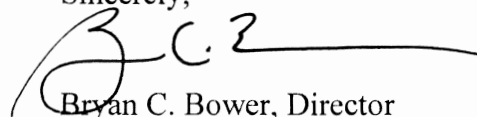
Phase 1 activities to facilitate Phase 2 consensus decisionmaking will be addressed in the joint DOE/NYSERDA Phase 1 Studies process that was described to the public during the February 23, 2011 quarterly public meeting, of which you were a participant. Additional characterization studies have been identified as a Potential Area of Study (PAS) for the Phase 1 Study Process as discussed during the February 23, 2011 quarterly public meeting. DOE encourages the CEC to make recommendations for additional site characterization studies as part of the Phase 1 Studies Process.

It should be made clear that a deadline for submission of comments on the Phase 1 Studies has not been established. The March 25, 2011 deadline established during the February 23, 2011 quarterly public meeting on the "*Phase 1 Study Process and Potential Areas of Study*" was for submission of comments concerning issues discussed during the February 23, 2011 meeting.

The DOE encourages the continued valued participation of the CEC in both the Phase 1 Decommissioning of the WVDP and the joint DOE/NYSERDA Phase 1 Studies Process.

Should you have any questions or comments regarding this transmittal, please contact Moira Maloney of my staff at (716) 942-4255.

Sincerely,



Bryan C. Bower, Director
West Valley Demonstration Project

cc: See Page 3

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Ms. Barbara Warren

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cc: M. N. Maloney, DOE-WVDP, AC-DOE
Z. Z. Zadins, DOE-WVDP, AC-DOE
P. Giardina, EPA, Region 2
C. Glenn, NRC
K. I. McConnell, NRC
P. J. Bembia, NYSERDA, AC-NYS

MNM:105088 - 450.4

From: Paul J. Bembia
Sent: Thursday, September 30, 2010 1:24 PM
To: Barbara Warren; Bryan Bower
Cc: Anne Rabe; Diane D'Arrigo; Joanne Hameister
Subject: RE: Phase I Study Process

Thank you Barbara. Bryan Bower and I are currently preparing a response to your September 13, 2010 letter on the Independent Scientific Panel and Phase 1 Study process. We will send you our response as soon as we complete it.

The Characterization Sampling and Analysis Plan is being prepared by DOE. Your questions on this document should be addressed to DOE.

Thanks,
Paul

Paul J. Bembia, Program Director
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From: Barbara Warren [REDACTED]
Sent: Thursday, September 30, 2010 1:11 PM
To: Bryan Bower; Paul J. Bembia
Cc: Anne Rabe; Diane D'Arrigo; Joanne Hameister
Subject: Re: Phase I Study Process

Dear Bryan Bower & Paul Bembia,

We are in the process of putting together additional comments on this Process. However, there are some outstanding items that we would appreciate having resolution on.

We sent comments on the CSAP, Characterization, Sampling and Analysis Plan, and we have been given vague answers about when the plan might be modified and to what extent our comments will be addressed. There was some suggestion that other Phase I studies might handle some of the issues we raised. While other groups supported CEC comments, because of the short time frame we were operating under we did not have the time to gain supporters. However, it appears that DOE is not in any rush to finalize the CSAP.

We believe this Plan is a critical starting point for all the subsequent studies that are done.

We really need a more specific and detailed response, so that we can then include anything that is not being addressed in the CSAP into our recommendations for Phase I studies.

More recently we sent a joint letter regarding the Proposed Independent Scientific Panel, which relates to the Phase I study process. We have heard no response.

Thank you for your attention.

Barbara Warren
Executive Director
Citizens' Environmental Coalition
33 Central Ave.
Albany, NY 12210