

WVDP Decommissioning Plan Regulatory Framework

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The following presentation is based upon data and analysis associated with the presumptive Preferred Alternative in the 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 still under development. To the extent the presumptive Preferred Alternative is either modified or changed during the course of the NEPA process, the information contained within this presentation may correspondingly change.



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Overview

- Coordination with Draft EIS
- Statutory Authority for WVDP Decommissioning
 - WVDP Act
 - Atomic Energy Act
 - DOE/NRC MOU
- Conclusions of 2004 Scoping Meeting
- Applicability of NUREG-1757 topics



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Coordination with Draft EIS

- Proposed preferred alternative is the Draft EIS phased decision-making alternative
- DP starting point will be consistent with Draft EIS
- DP will be submitted for NRC completeness review when Draft EIS is published



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WVDP Act

- **Section 2(b)(4)(D)** – Submission jointly by the Department of Energy and the State of New York of an application for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.
- **Section 2(c)** – ... review and consultation provided by the Commission pursuant to this subsection shall be conducted informally and shall not include nor require formal procedures or actions by the Commission pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, or any other law.
- **Section 2(c)(1)** – The Secretary shall submit to the Commission, for its review and comment, a plan for ... decontamination of facilities used in solidifying the waste.



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WVDP Act

- **Section 2(a)(5)** – The Secretary shall decontaminate and decommission
 - (A) the tanks and other facilities of the Center in which the high level radioactive waste solidified under the project was stored,
 - (B) the facilities used in the solidification of the waste, and
 - (C) any material and hardware used in connection with the project,in accordance with such requirements as the Commission may prescribe.



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DOE/NRC MOU

- Established in accordance with Section 2(c) of the WVDP Act
- Section II.A.1 – The Department has responsibility for the public health and safety associated with this project
- Section III.B.4.c – The Department will prepare a Project Decommissioning Plan ... This plan will be reviewed by the NRC and comments provided to the Department. The Department will review and consider the comments prior to the initiation of D&D operations.



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2004 WVDP DP Scoping Meeting

- NRC letter dated 4/7/04 documents the 3/23/04 WVDP DP scoping meeting
- Conclusions reached in the 3/23/04 meeting include:
 - The focus of the WVDP DP should be on verifying that DOE has met NRC D&D criteria
 - Decommissioning operations will be conducted pursuant to DOE's regulatory authority under the WVDP Act



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Applicability of NUREG-1757 Guidance

- Emphasis will be placed on those DP sections that contain information that is relevant to assessing whether the LTR has been met
 - Planned Decommissioning Activities
 - Dose Modeling
 - ALARA Analysis
 - Final Status Survey



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Applicability of NUREG-1757 Guidance (cont)

- Operational programs related to decommissioning are appropriately controlled by DOE regulations and orders. Therefore, certain DP sections are not applicable
 - Health and Safety Program
 - Environmental Monitoring and Control Program
 - Radioactive Waste Management Program
- The focus of the Project Management and QA sections will be on meeting D&D criteria
 - Dose Modeling
 - Final Status Survey
- Financial Assurance does not apply to DOE



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