

APPENDIX Q
CONCURRENCE LETTERS

October 14, 2008

James A. Rispoli
Asst. Secretary for Environmental Management
EM-1/Forrestal Building
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

SUBJECT: Acknowledgment of Agency Concurrence to Release 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 (DOE/EIS-0226-R)* to the Public

Dear Mr. Rispoli:

The U. S. Department of Energy prepared 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 (DOE/EIS-0226-R)* (DEIS) for issuance to the public after receiving extensive comments from the New York State Energy Research and Development Authority (NYSERDA) and other governmental agencies. NYSERDA strongly supports the preferred cleanup alternative identified in the DEIS because it calls for near-term removal of significant site facilities and areas of contamination such as the Main Plant Process Building, the low-level waste treatment system lagoons, and the source area of the North Plateau groundwater plume. As you know, NYSERDA has expressed concerns about the long-term performance assessment contained in the DEIS. Given our agreement that NYSERDA's "View" statement¹ will be published in the Foreword to the Revised DEIS, NYSERDA recommends issuance of the Revised DEIS for public review.

We look forward to working with you as our agencies proceed toward a final EIS.

¹"The View of the New York State Energy Research and Development Authority on 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"

PJB/08end083.end

Main Office

Albany

17 Columbia Circle
Albany, NY 12203-6399
Toll Free: 1 (866) NYSERDA
Phone: (518) 862-1090
Fax: (518) 862-1091

West Valley Site

Management Program

10282 Rock Springs Road
West Valley, NY 14171-9799
Phone: (716) 942-9960
Fax: (716) 942-9961

New York City

485 Seventh Ave., Suite 1006
New York, NY 10018
Phone: (212) 971-5342
Fax: (212) 971-5349

Buffalo

Larkin at Exchange Building
726 Exchange Street, Suite 821
Buffalo, New York 14210
Phone: (716) 842-1522
Fax: (716) 842-0156

Messr. James A. Rispoli
Page 2
October 14, 2008

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

A handwritten signature in black ink that reads "Paul J. Bembia". The signature is written in a cursive style with a large initial "P".

Paul J. Bembia, Director

PJB/end

cc: C. M. Borgstrom, DOE-HQ, GC-20/FORS.
E. B. Cohen, DOE-HQ, GC-20/FORS.
B. M. Diamond, DOE-HQ, GC-51/FORS.
J. E. Loving, DOE-HQ, GC-20/FORS.
F. Marcinowski, DOE-HQ, EM-10/FORS.
B. C. Bower, DOE-WVDP, AC-DOE
C. M. Bohan, DOE-WVDP, AC-DOE
M. N. Maloney, DOE-WVDP, AC-DOE
File #60416



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 15, 2008

Mr. James Rispoli, Assistant Secretary
Office of Environmental Management
EM-1/Forrestal Building
U. S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

**SUBJECT: ACKNOWLEDGMENT OF AGENCY CONCURRENCE TO RELEASE 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 (DOE/EIS-0226-R) TO THE PUBLIC**

Dear Mr. Rispoli:

The U.S. Department of Energy and the New York State Energy Research and Development Authority have been jointly preparing 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 (DOE/EIS-0226-R)* (EIS) for release to the public. As a cooperating agency on this EIS, the U.S. Nuclear Regulatory Commission (NRC) has participated in multi-agency concurrence meetings related to the development of the draft EIS for the West Valley project. Based on the agency's participation in this process, the NRC concurs in release of the draft EIS for public comment.

NRC appreciates the opportunity to be involved in this EIS, and reserves the right to further comment on the draft EIS during the public comment period. We look forward to working with you as you proceed toward a final EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry W. Camper". The signature is stylized and fluid, with a large initial "L" and "C".

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and States Materials
and Environmental Management Programs

cc: See next page

cc:

C. M. Borgstrom, DOE-HQ, GC-20/FORS.
E. B. Cohen, DOE-HQ, GC-20/FORS.
B. M. Diamond, DOE-HQ, GC-51/FORS.
J. E. Loving, DOE-HQ, GC-20/FORS.
F. Marcinowski, DOE-HQ, EM-10/FORS.
B. C. Bower, DOE-WVDP, AC-DOE.
C. M. Bohan, DOE-WVDP, AC-DOE
M. N. Maloney, DOE-WVDP, AC-DOE
G. Baker, NYSDOH
P. Bemba, NYSERDA
P. Giardina, USEPA
E. Dassatti, NYSDEC
M. John, Seneca Nation of Indians



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

James Rispoli, Assistant Secretary
Office of Environmental Management
EM-1/Forrestal Building
U. S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

SUBJECT: Acknowledgment of Agency Concurrence to Release 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* (DOE/EIS-0226-R) to the Public

Dear Mr. Rispoli:

The U. S. Department of Energy and the New York State Energy Research and Development Authority have been jointly preparing 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* (DOE/EIS-0226-R) (DEIS) for release to the public. As a cooperating agency on this DEIS, the U.S. Environmental Protection Agency (EPA) has reviewed the concurrence draft of this document. EPA concurs that the draft represents an adequate compilation of relevant information, has not ignored pertinent data, and that the information has been analyzed reasonably. Therefore, EPA recommends release of the revised DEIS for public review.

However, we want to point out that our participation as a cooperating agency and our recommendation to release the DEIS neither precludes our review under the National Environmental Policy Act nor negates our comment authority under Section 309 of the Clean Air Act.

EPA thanks you for the opportunity to be involved in the preparation of this DEIS. We look forward to working with you as you proceed toward a final EIS.

Sincerely yours,

A handwritten signature in cursive script that reads "John Filippelli".

John Filippelli, Chief
Strategic Planning Multi-Media Programs Branch

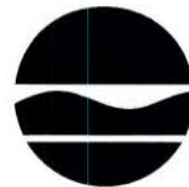
New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials, 9th Floor

625 Broadway, Albany, New York 12233-7250

Phone: (518) 402-8651 • FAX: (518) 402-9024

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

OCT 14 2008

Mr. James Rispoli
Assistant Secretary, Office of Environmental Management
EM-1/Forrestal Building
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Mr. Rispoli:

RE: Concurrence Meeting Letter for the Revised Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Services Center (DEIS)

At the end of August, the New York State Departments of Environmental Conservation and Health (the Departments) received your letter inviting their management and technical staff to the West Valley DEIS Concurrence Review Meeting at the U.S. Department of Energy (DOE) Headquarters in Washington, D.C., from October 6-10. While we regret that we were not able to physically attend the meeting, staff from the Departments did participate via teleconference.

The Departments have received and reviewed the proposed resolutions provided by DOE in response to comments made by the Departments during the "Fatal Flaw" review of the DEIS. Based on these responses and proposed resolutions, the Departments agree that the DEIS is acceptable for release to the public. This does not constitute the Departments' concurrence with the DEIS, but that it is sufficiently complete for release for public review and comment. As staffs have repeatedly stated, in person during Core Team meetings, in writing in our August 22 letter, and during our Concurrence meeting opening remarks, the full and detailed review of the DEIS by both Departments will take place during the public comment period.

If you have any questions, please do not hesitate to contact either Robert Phaneuf or Lynn Winterberger, of the New York State Department of Environmental Conservation (518-402-8594), or Gary Baker, of the New York State Department of Health (315-477-4884).

Sincerely,

Edwin Dassatti, P.E.

Director

Division of Solid and Hazardous Materials
New York State Department of
Environmental Conservation

G. Anders Carlson, Ph.D.

Director

Division of Environmental Health Investigation
New York State Department of Health

cc: C. M. Borgstrom, DOE-HQ, GC-20/FORS
E. B. Cohen, DOE-HQ, GC-20/FORS
B. M. Diamond, DOE-HQ, GC-51/FORS
J. E. Loving, DOE-HQ, GC-20/FORS
F. Marcinowski, DOE-HQ, EM-10/FORS
B. C. Bower, DOE-WVDP, AC-DOE
C. M. Bohan, DOE-WVDP, AC-DOE
M. N. Maloney, DOE-WVDP, AC-DOE
V. Washington, NYSDEC Central Office
A. Crocker, NYSDEC Central Office
K. McConnell, NRC
P. Bembia, NYSERDA
J. Reidy, US EPA
P. Giardina, US EPA
S. Gavitt, NYSDOH
G. Baker, NYSDOH