

NYSERDA needs to determine what material or structures for which it is responsible will remain on site, and what institutional controls, engineered barriers, or stewardship provisions would be needed.

This Draft EIS is intended to support DOE and NYSERDA decisions regarding the Proposed Action, which is the completion of the WVDP and the decommissioning and/or long-term management or stewardship of the WNYNSC. This would include the disposition of the high-level radioactive waste storage tanks, the former spent fuel reprocessing plant, the North Plateau Groundwater Plume, the Cesium Prong, the NRC-licensed Disposal Area (NDA), and the State-licensed Disposal Area (SDA). The three action alternatives evaluated for the Proposed Action are as follows:

Sitewide Removal: Under this alternative, all site facilities as outlined in this Draft EIS would be removed; all environmental media would be decontaminated; and all radioactive, hazardous, and mixed waste would be characterized, packaged as necessary, and shipped off site for disposal. Completion of these activities would allow unrestricted use of the site (i.e., the site could be made available for any public or private use). This alternative includes temporary onsite storage of vitrified high-level radioactive waste canisters pending the availability of a Federal repository.

Sitewide Close-In-Place: Under this alternative, most facilities would be closed in place. Residual radioactivity in facilities with larger inventories of long-lived radionuclides would be isolated by specially designed closure structures and engineered barriers. Major facilities and sources of contamination, such as the Waste Tank Farm and burial grounds, would be managed at their current locations. This would allow large areas of the site to be released for unrestricted use. The license for remaining portions of the WNYNSC could be terminated under restricted conditions, or those portions could remain under long-term NRC license or permit. Facilities that are closed in-place, and any buffer areas around them, would require long-term stewardship.

Phased Decisionmaking: Under this alternative, decommissioning would be completed in two phases. This alternative involves near-term removal actions where there is agency consensus and characterization studies to facilitate decisionmaking for the remaining facilities or areas.

Phase 1 would include removal of the Main Plant Process Building, the source

of the North Plateau Groundwater Plume, and the lagoons on the WVDP premises. All facilities and the lagoons would be removed, except for the permeable treatment wall (an *in-situ* groundwater mitigation technology). Phase 1 decisions would also include removal of a number of other facilities on the WVDP premises. No decommissioning or long-term management activities would be conducted for the Waste Tank Farm and its support facilities, the construction and demolition debris landfill, the non-source area of the North Plateau Groundwater Plume, or the NDA. The SDA would continue under active management, consistent with its permit and license requirements. Phase 1 activities would make use of proven technologies and available waste disposal sites to reduce the potential near-term health and safety risks from residual radioactivity and hazardous contaminants at the site. Phase 1 would also include an ongoing assessment period during which DOE and NYSERDA would conduct additional studies, evaluations, and characterization of site contamination. The studies and evaluations would be conducted to clarify and possibly reduce technical uncertainties related to the decision on final decommissioning and long-term management of the site, particularly uncertainties associated with the long-term performance models, the performance of engineered barriers and other technologies for in-place containment, the viability and cost of technology for exhuming buried waste, and the availability of waste disposal sites. In consultation with NYSERDA and the cooperating and involved agencies on this Draft EIS, DOE would determine whether the new information warrants a new or supplemental EIS. NYSERDA also would assess the results of site-specific studies and other information during Phase 1 to determine the need for additional SEQRA documentation.

According to the approach determined most appropriate during the additional Phase 1 studies and evaluations, Phase 2 would complete decommissioning or long-term management decisionmaking. Under the Phased Decisionmaking Alternative, the Phase 2 decision would be made within 30 years.

No Action Alternative: Under this alternative, no actions toward decommissioning would be taken. This alternative would involve the continued management and oversight of all facilities located on the WNYNSC property as of the Starting Point for this EIS in 2011. The No Action Alternative

does not meet the Purpose and Need for agency action, but analysis of the No Action Alternative is required under NEPA and SEQRA as a basis of comparison.

Preferred Alternative: The Phased Decisionmaking Alternative is DOE's and NYSERDA's Preferred Alternative.

Combination Alternatives: DOE and NYSERDA recognize that, after consideration of public comments, some combination of alternatives analyzed in the Draft EIS may be identified as the best way to meet agency goals and protect human health and safety and the environment. If a specific combination alternative is identified as preferred between the Draft and Final EISs, DOE would present the combination alternative and its potential impacts in the Final EIS. If a combination alternative is ultimately selected for implementation, the Record of Decision and Findings Statement (under SEQRA) would explain the reasons DOE and NYSERDA made that decision.

Following the end of the public comment period, DOE will consider and respond to the comments received, and issue the Final Decommissioning and/or Long-Term Stewardship EIS, including a Comment Response Document. DOE will issue a Record of Decision no sooner than 30 days after EPA issues a Notice of Availability of the final EIS in the **Federal Register**.

Signed in Washington, DC, November 25, 2008.

Ines R. Triay,

Acting Assistant Secretary for Environmental Management.

[FR Doc. E8-28806 Filed 12-4-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Proposed Phase 1 Decommissioning Plan for the West Valley Demonstration Project, West Valley, NY

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the proposed Phase 1 Decommissioning Plan for the West Valley Demonstration Project (WVDP) at the Western New York Nuclear Service Center in West Valley, New York (WNYNSC). The proposed Phase 1 Decommissioning Plan is consistent with DOE's preferred alternative in the *Revised Draft Environmental Impact Statement for the Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service*

Center (Draft EIS, DOE/EIS-02260). DOE intends, at a future date, to issue a Record of Decision pursuant to the Final EIS. The proposed Phase 1 Decommissioning Plan is being reviewed by the U.S. Nuclear Regulatory Commission (NRC). The Department will consider NRC comments prior to the initiation of decontamination and decommissioning operations, and should DOE during the course of the National Environmental Policy Act process or as a result of comments from the NRC ultimately decide upon an approach that differs from the current preferred alternative in the Draft Decommissioning EIS, or adopt changes that affect the proposed Phase 1 Decommissioning Plan, then DOE will revise the Phase 1 Decommissioning Plan as necessary to reflect the changes.

ADDRESSES: Copies of the proposed Phase 1 Decommissioning Plan for the West Valley Demonstration Project are available for public inspection at the following locations:

U.S. Department of Energy, FOIA Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0001;

Hulbert Library, DOE-WVDP Public Reading Room, 18 Chapel St., Springville, NY 14141. 716-592-7742; and

Ashford Office Complex Public Reading Room, 9030 Route 219, West Valley, NY 14171-0191. (716) 942-4679.

The proposed Phase 1 Decommissioning Plan is also available at:

The U.S. Department of Energy West Valley Demonstration Project Web site, at <http://www.wv.doe.gov>; and

The U.S. Nuclear Regulatory Commission Electronic Reading Room Web site, at <http://www.nrc.gov/reading-rm/adams.html>.

FOR FURTHER INFORMATION CONTACT:

Ms. Moira N. Maloney, Decommissioning Plan Project Manager, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, NY 14171-0191;

Mr. Bryan C. Bower, Director, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, NY 14171-0191; and

Mr. Desi Crouther, Director, Office of Small Sites Projects, Office of Environmental Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0001.

SUPPLEMENTARY INFORMATION: The West Valley Demonstration Project Act (the

Act), Public Law 96-368 of October 1, 1980, directed the Department of Energy to carry out a high-level radioactive waste management demonstration project at the WNYNSC. The purpose of the project was to demonstrate the solidification of high-level radioactive waste for disposal in a Federal repository. The Act also requires the Department to decontaminate and decommission the underground high-level waste storage tanks and other facilities where the solidified high-level radioactive waste was stored, the facilities used in the solidification of the waste, and any material and hardware used in connection with the project, in accordance with such requirements as the NRC may prescribe.

In accordance with the Act, DOE entered into an agreement with the NRC to establish arrangements for review and consultation by the NRC for the Project. The procedures for NRC review and consultation were established in the September 23, 1981 *Memorandum of Understanding* and section 2(c)(1) of the Act between DOE and NRC.

Accordingly, DOE is to submit to NRC, for its review and comment, a Project Decommissioning Plan for the facilities that were used in solidifying the waste, which includes a description of engineering and operating activities to be performed. The plan is to be reviewed by the NRC and comments provided to DOE. DOE is to review and consider the comments provided prior to the initiation of decontamination and decommissioning operations.

The decommissioning activities described in the proposed Phase 1 Decommissioning Plan for the West Valley Demonstration Project are consistent with the Phased Decision-making Alternative, the preferred alternative described 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*. Under the Phased Decision-making Alternative, the decommissioning of the Project and WNYNSC would be completed in two phases. Phase 1 decommissioning activities within the Project premises, which are described in the proposed Phase 1 Decommissioning Plan, are near-term removal actions that include removal of the Main Plant Process Building, Vitrification Facility, source area of the North Plateau Groundwater Plume, wastewater treatment facility lagoons, and certain ancillary buildings, foundations, slabs, and pads on the WVDP premises. The Phase 2 decisions on the decommissioning of the remainder of the Project and WNYNSC,

or its long-term management, would be made in the future and is not part of the proposed Phase 1 Decommissioning Plan.

DOE will issue a Record of Decision pursuant to section III.B.1 of the final EIS no sooner than 30 days after the U.S. Environmental Protection Agency has published its Notice of Availability in the **Federal Register**. DOE will revise the proposed Phase 1 Decommissioning Plan to be consistent with the Record of Decision as necessary.

Issued in Washington, DC, on December 1, 2008.

Cynthia Anderson,

Deputy Chief Operations Officer.

[FR Doc. E8-28807 Filed 12-4-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC09-567-000, FERC-567]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

November 28, 2008.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments in consideration of the collection of information are due January 30, 2009.

ADDRESSES: An example of this collection of information may be obtained from the Commission's Web site (at <http://www.ferc.gov/docs-filing/elibrary.asp>). Comments may be filed either electronically or in paper format, and should refer to Docket No. IC09-567-000. Documents must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines at <http://www.ferc.gov/help/submission-guide.asp>.

Comments may be filed electronically via the eFiling link on the Commission's Web site at www.ferc.gov. First time users will have to establish a user name and password (<http://www.ferc.gov/docs-filing/eregistration.asp>) before eFiling. The Commission will send an