

IN RESPONSE, PLEASE  
REFER TO: M990112

January 26, 1999

MEMORANDUM FOR: William D. Travers  
Executive Director for Operations

Karen D. Cyr  
General Counsel

FROM: Annette L. Vietti-Cook

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY, 9:00 A.M., TUESDAY,  
JANUARY 12, 1999, COMMISSIONERS' CONFERENCE ROOM,  
ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN  
TO PUBLIC ATTENDANCE)

The Commission was briefed on options for decommissioning West Valley by the NRC staff, Department of Energy (DOE), New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation (NYSDEC), and the West Valley Citizen Task Force.

The Commission requested that the staff perform a review of NRC's authority, obligations, and limitations under the West Valley Demonstration Project (WVDP) Act and inform the Commission of the results. Additionally, the staff should inform the Commission of the scope of NRC's license of the site before it was placed in abeyance, including the size of the area and range of activities under the license.

(OGC/EDO)

(SECY Suspense: 2/12/99)

The Commission requested that the staff supplement SECY-98-251 with a more expansive discussion of the options for the manner and timing of how NRC might prescribe the final decommissioning and decontamination (D&D) criteria. This discussion should include the pros and cons of each option, their resource implications, how they relate to the environmental impact statement process, and the possible need for a separate NRC EIS. The supplemental paper should distinguish between waste disposal and decommissioning criteria. The discussion should also inform the Commission of the regulatory options available, e.g., by policy statement or rule, for finalizing the D&D criteria and how that process relates to the timing for finalizing the criteria. The staff should also inform the Commission about the implications of the D&D criteria options for the post-WVDP revival of the NRC license by NYSERDA, if any. The staff also should assess whether a cooperative agreement with NYSDEC is necessary and appropriate in light of potentially shared regulatory responsibilities over areas of radioactive contamination at West Valley affected by both NRC and NYSERDA regulated activities.

(EDO/OGC)

(SECY Suspense: 2/12/99)

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance  
DCS - P1-17