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POLICY ISSUE **(Information)**

September 22, 1999

SECY-99-232

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: PUBLICATION, FOR PUBLIC COMMENT, OF A DRAFT POLICY
STATEMENT ON DECOMMISSIONING CRITERIA FOR WEST VALLEY

PURPOSE:

The purpose of this paper is to inform the Commission of the staff's intent to: 1) publish, for public comment, a draft policy statement in the Federal Register, with copies to the U.S. Department of Energy (DOE) and all relevant parties, on decommissioning criteria for the West Valley Demonstration Project and West Valley site; 2) hold a public meeting to solicit public comment on the draft; and 3) finalize the policy statement for Commission consideration.

BACKGROUND:

By Staff Requirements Memorandum from the Secretary of the Commission to the staff, dated June 3, 1999 (Attachment 1), the Commission approved applying the U.S. Nuclear Regulatory Commission's (NRC) License Termination Rule (10 CFR Part 20, Subpart E) as the decommissioning criteria for the West Valley Demonstration Project and the West Valley site. The Staff Requirements Memorandum directed the staff to issue a draft policy statement on the decommissioning criteria, for public comment, and to arrange a public meeting on the draft policy statement, to solicit public comment.

The Staff Requirements Memorandum was issued in response to two Commission Papers-- SECY-98-251 and SECY-99-057. These two Commission Papers requested Commission approval of applying proposed decommissioning criteria to the West Valley Demonstration Project and the West Valley site.

CONTACT: Jack Parrott, NMSS/DWM
(301) 415-6700

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DISCUSSION:

The draft Policy Statement, in Federal Register format, is attached (Attachment 2). The draft Policy Statement addresses applying the License Termination Rule as the decommissioning criteria for DOE's West Valley Demonstration Project. It also addresses applying the License Termination Rule to the West Valley site. The West Valley site, which includes the West Valley Demonstration Project and other areas, is under an NRC license issued to the New York State Energy Research and Development Authority. The license is in abeyance until the completion of the West Valley Demonstration Project. The Office of the General Counsel is submitting a separate memorandum to the Commission addressing the issue of the Commission's responsibilities under the National Environmental Policy Act associated with applying the License Termination Rule to the West Valley Demonstration Project. The enclosed draft policy Statement is consistent with the views in that memorandum.

Waste Disposal

The West Valley Demonstration Project Act directs DOE to dispose of low-level radioactive waste and transuranic waste produced by the West Valley Demonstration Project, in accordance with unspecified "applicable licensing requirements." However, the Commission was silent on this issue in the Staff Requirements Memorandum. Therefore, it is not addressed in the draft Policy Statement. If the preferred alternative in the Environmental Impact Statement for closure of the West Valley Demonstration Project and/or the West Valley site includes waste disposal, the issue of applicable licensing requirements will be determined at that time.

Disposition of Residual High-Level Radioactive Waste

After high-level radioactive waste (HLW) solidification operations cease at West Valley, residual HLW will remain at the site (e.g., in HLW tanks). DOE is required by the West Valley Demonstration Project Act to solidify and dispose of the HLW at West Valley and to decontaminate and decommission the tanks, facilities, material, and hardware used for the storage or solidification of HLW. DOE will manage anything residually contaminated with HLW as either HLW or consult with NRC regarding classifying it as incidental waste. Wastes classified as incidental are not HLW, as HLW has historically been defined, and are not required to be managed as HLW (i.e., requiring permanent isolation).

The Staff Requirements Memorandum, and therefore the draft Policy Statement, do not address the issue of classifying residual HLW as incidental. Criteria do exist for classifying waste as incidental. These criteria were developed as a guide to classifying, as incidental, certain wastes to be removed from HLW tanks at DOE's Hanford site and were approved by the Commission in a Staff Requirements Memorandum dated February 16, 1993, in response to SECY-92-391, and described in a letter from R. Bernero, NRC, to J. Lytle, DOE, dated March 2, 1993. The Commission should be aware that the staff is reviewing DOE methodology for classifying as incidental the residual HLW left in tanks being closed at DOE's Savannah River site, as requested by letter from A. Watkins, DOE, to C. Paperiello, NRC, dated December 20, 1996, and as described in a memorandum from the staff to the Commission dated February 18, 1997. Staff requested additional information from DOE in a letter dated June 30, 1998. DOE responded on September 30, 1998. Staff is developing a response to the DOE incidental waste classification methodology for Savannah River that will be submitted to the Commission for approval. The staff also will provide to the Commission, for approval, any

response to DOE regarding incidental waste classification methodology at West Valley.

Distribution of the Draft Policy Statement

In addition to publication in the Federal Register the draft policy statement will be provided to all relevant parties. They are:

1. The Honorable Albert J. Gore, Jr., President of the United States Senate
2. The Honorable J. Dennis Hastert, Speaker of the United States House of Representatives
3. The Honorable James M. Inhofe, Chairman, Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety, Committee on Environment and Public Works, United States Senate
4. The Honorable Joe Barton, Chairman, Subcommittee on Energy and Power, Committee on Commerce, United States House of Representatives
5. The Honorable Frank Murkowski, Chairman, Committee on Energy, United States Senate
6. The Honorable Pete V. Domenici, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States Senate
7. The Honorable Ron Packard, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States House of Representatives
8. The Honorable Daniel Patrick Moynihan, United States Senate
9. The Honorable Charles E. Schumer, United States Senate
10. The Honorable Amo Houghton, United States House of Representatives
11. DOE, West Valley Demonstration Project
12. New York State Energy Research and Development Authority, West Valley Site Management
13. New York State Department of Environmental Conservation, Bureau of Radiation & Hazardous Site Management
14. U.S. Environmental Protection Agency, Region 2
15. New York State Attorney General's Regional Office
16. The West Valley Citizen Task Force
17. The Coalition on West Valley Nuclear Waste

Draft Congressional letters are in Attachment 3.

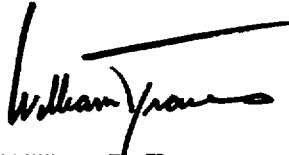
The Commissioners

- 4 -

The staff intends to publish the draft policy statement in the Federal Register in September 1999, and to request written comments. The publication of the draft Policy Statement in the Federal Register will also carry a notice of a public meeting to solicit public comment on the draft. Staff will address the public comments and produce a final policy statement for Commission consideration.

COORDINATION:

The Office of the General Counsel has reviewed this Commission Paper for legal implications and has no legal objection.

A handwritten signature in black ink, appearing to read "William D. Travers", with a long horizontal stroke extending to the right.

William D. Travers
Executive Director
for Operations

Attachments:

1. Staff Requirements Memorandum
dtd. 6/3/99
2. Draft Policy Statement and Notice
of Public Meeting
3. Draft Congressional letters

DISTRIBUTION:

Commissioners

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

June 3, 1999

SECRETARY

MEMORANDUM TO:

William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM:

Annette Vietti-Cook, Secretary

SUBJECT:

STAFF REQUIREMENTS - SECY-98-251 - DECOMMISSIONING
CRITERIA FOR WEST VALLEY
and
SECY-99-057 - SUPPLEMENT TO SECY-98-251,
"DECOMMISSIONING CRITERIA FOR WEST VALLEY"

The Commission has approved applying the License Termination Rule (LTR) now as the decommissioning criteria for the Department of Energy West Valley Demonstration Project (WVDP). Furthermore, the LTR eventually should also be applied to the New York State Energy Research and Development Authority (NYSERDA) site once the NYSERDA license is reactivated.

The staff should publish a draft policy statement on the Commission decision on the WVDP decommissioning criteria for a 60-day public comment period. To ensure that all interested parties are afforded an opportunity to express their views prior to finalization, the staff should schedule a public meeting to solicit public comment on the draft. The staff should ensure that both the draft and final policy statements are provided to the Department of Energy and all relevant parties, including appropriate State agencies, Congressional committees and interested Members and citizens' groups.

(EDO) (SECY Suspense (draft policy statement): 9/3/99)

The staff should enter into an office-level cooperative agreement with the New York State Department of Environmental Conservation (NYSDEC) regarding the West Valley site. A copy of the cooperative agreement should be provided to DOE for information purposes. The staff should consider issuing the draft cooperative agreement for public comment before it is finalized.

(EDO) (SECY Suspense: 6/2/2000)

As follow up to recent Commission correspondence, the staff should inform the New York State Department of Environmental Conservation (NYSDEC), the New York State Energy Research and Development Authority (NYSERDA), and the Coalition on West Valley Nuclear Wastes of the Commission's decision in these matters.

Attachment 1

In SECY-99-057, the staff discusses the regulatory options for finalizing the criteria. From the discussion, it can be inferred that since existing criteria are being prescribed, no additional environmental analysis is necessary at this time. OGC should provide its legal analysis and conclusion that applying the LTR criteria to the WVDP will not require an environmental analysis in accordance with the National Environmental Policy Act.

(OGC)

(SECY Suspense:

9/3/99)

The staff should notify DOE by letter of the Commission's decision concerning these two SECY papers and the public meetings.

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

**Decommissioning Criteria for the West Valley Demonstration Project
and West Valley Site;
Draft Policy Statement and Notice of Public Meeting**

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of draft policy statement and notice of public meeting.

SUMMARY: By memorandum from the Secretary of the Commission to the staff, dated June 3, 1999, the Commission approved the application of the U.S. Nuclear Regulatory Commission's (NRC's) License Termination Rule (LTR, 10 CFR Part 20, Subpart E) as the decommissioning criteria for the West Valley Demonstration Project and the West Valley site. NRC is issuing this draft policy statement, on the decommissioning criteria, for public comment. It also is issuing a notice of public meeting, to solicit public comment on the draft.

DATES: Comments on this draft policy statement should be submitted by [insert date 60 days from the date of publication in the Federal Register], and will be considered by NRC before the publication of the final policy statement.

ADDRESSES: Submit written comments to: Jack D. Parrott, Project Scientist, Office of Nuclear Material Safety and Safeguards, Mail Stop T-8F37, U. S. Nuclear Regulatory Commission, Washington, DC 20555. Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jack D. Parrott, Project Scientist, Office of Nuclear Material Safety and Safeguards, Mail Stop T-8F37, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; telephone 301-415-6700; e-mail: jdp1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

From 1966 to 1972, under an Atomic Energy Commission (AEC) license, Nuclear Fuel Services (NFS) reprocessed 640 metric tons of spent fuel at its West Valley, New York, facility--the only commercial spent fuel reprocessing plant in the U.S. The facility shut down, in 1972, for modifications to increase its seismic stability and to expand capacity. In 1976, without restarting the operation, NFS withdrew from the reprocessing business and returned control of the facilities to the site owner, the New York State Energy Research and Development Authority (NYSERDA). The reprocessing activities resulted in 2,000,000 liters (600,000 gallons) of liquid high-level radioactive waste (HLW), stored below ground in HLW tanks, and other radioactive wastes and residual radioactive contamination.

The West Valley site was licensed by AEC, and then NRC, until 1981, when the license was suspended to execute the 1980 West Valley Demonstration Project (WVDP) Act, PL 96-368. The WVDP Act authorized the U. S. Department of Energy (DOE), in cooperation with NYSERDA, the owner of the site and the holder of the suspended NRC license, to: (1) carry out a liquid-HLW management demonstration project; (2) solidify, transport, and dispose of the HLW at the site; (3) dispose of low-level waste (LLW) and transuranic waste produced by the

WVDP, in accordance with applicable licensing requirements; and (4) decontaminate and decommission facilities used for the WVDP, in accordance with requirements prescribed by NRC. NYSERDA is responsible for all site facilities and areas outside the scope of the WVDP Act. Although NRC suspended the license covering the site until completion of the WVDP, NRC has certain responsibilities, under the WVDP Act, that include prescribing decontamination and decommissioning criteria.

The WVDP is currently removing liquid HLW from underground HLW tanks at the site, vitrifying it, and storing it onsite for eventual offsite disposal in the Federal repository. The vitrification operations are nearing completion. In addition to the vitrified HLW, the WVDP operations have also produced large quantities of LLW and transuranic waste which, under the Act, must be disposed of in accordance with applicable licensing requirements. Besides the HLW at the site, the historical spent fuel reprocessing and waste disposal operations resulted in large quantities of a full range of buried radioactive wastes and structural and environmental contamination at the site.

In 1989, DOE and NYSERDA began to develop a joint Environmental Impact Statement (EIS) for project completion and site closure, and to evaluate waste disposal and decommissioning alternatives. Because the WVDP Act requires NRC to prescribe decommissioning criteria for the project, NRC and DOE agreed on NRC's participation as a cooperating agency on the EIS, with DOE and NYSERDA, to aid NRC in its decision on decommissioning requirements. The draft EIS was published in 1996.

After public review of the draft EIS, the WVDP convened the West Valley Citizen Task Force (CTF) in early 1997 to obtain stakeholder input on the EIS. The CTF recommendations for the preferred alternative in the EIS were completed in July 1998. The CTF generally does not believe the West Valley site is suitable for long-term isolation of waste and, therefore, favors disposal of the waste offsite at suitable and safe disposal facilities. In the latter half of 1997 (during the period that the CTF was working on their recommendations), the NRC's LTR was published (62 FR 39058, July 21, 1997).

Because NRC is authorized to prescribe decommissioning criteria for the WVDP by the WVDP Act, the NRC staff proposed decommissioning criteria for West Valley to the Commission in a Commission Paper entitled "Decommissioning Criteria for West Valley" dated October 30, 1998 (SECY-98-251). The Commission requested a public meeting on SECY-98-251 to obtain input from interested parties. Based on the results from this meeting, which was held January 12, 1999, the Commission issued a Staff Requirements Memorandum (SRM) on January 26, 1999, requesting additional information on the staff's proposed decommissioning criteria for West Valley. In response to the January 26, 1999, SRM the staff provided SECY-99-057, to the Commission, entitled "Supplement to SECY-98-251, 'Decommissioning Criteria for West Valley.'" Based on the contents of SECY-98-251, SECY-99-057, and written and oral comments from interested parties, the Commission issued an SRM on June 3, 1999, detailing its decisions on the decommissioning criteria for West Valley. This draft policy statement is based on the contents of that SRM.

Statement of Policy

Decommissioning Criteria for the WVDP

Under the authority of the WVDP Act the Commission is prescribing NRC's LTR as the decontamination and decommissioning criteria for the WVDP. These criteria shall apply to the decontamination and decommissioning of: (1) the HLW tanks and other facilities in which HLW, solidified under the project, was stored; (2) the facilities used in the solidification of the waste; and (3) any material and hardware used in connection with the WVDP. The LTR does not apply a single public dose criterion. Rather it provides for a range of criteria from 25 mrem/year with ALARA considerations (10CFR 20.1402) to as much as 100 mrem/year with approval from the Commission (10 CFR 20.1404). The Commission's application of the LTR rule to the WVDP is a two-step process: 1) the NRC is now requiring the application of the rule; and 2) following the completion of DOE/NYSERDA's Environmental Impact Statement (EIS) and submittal of its preferred alternative, the NRC will approve the specific criteria within the LTR to be applied to the WVDP.

Decommissioning Criteria for License CSF-1

The criteria in the LTR will also apply to the termination of NYSERDA's NRC license on the West Valley site once that license is reactivated.

Policy Implications

The policy of applying NRC's existing LTR to the decommissioning of the WVDP and West Valley site is consistent with the decommissioning requirements for all NRC licensees. Therefore, no policy implications are foreseen with the application of the LTR to the decommissioning of the WVDP and West Valley site.

Environmental Analysis

The environmental impact of applying the LTR to NRC licensees was evaluated in a Generic Environmental Impact Statement (GEIS, NUREG-1496) that supports the LTR. When the particular criteria permitted by the LTR are selected, the environmental impacts from the application of the criteria will be considered. The NRC intends to rely on the DOE/NYSERDA's EIS for this purpose. The DOE is considered for NEPA purposes as the lead federal agency. DOE is developing a decommissioning plan and is responsible for its preparation and implementation. The NRC, in view of its responsibilities under the WVDP Act, is considered a cooperating agency for this EIS and is participating in the development of the DOE/NYSERDA EIS. The NRC does not anticipate the need to prepare its own duplicative EIS as the NRC can consider the environmental impacts described in the DOE/NYSERDA EIS in approving the particular decommissioning criteria for the WVDP under the LTR. Under this arrangement, the DOE/NYSERDA EIS will fulfil the NEPA responsibilities for the NRC.

Availability of Documents

Copies of documents cited in this section are available for inspection and/or reproduction for a fee in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC 20003. The NRC Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays. Reference service and access to documents may

also be requested by telephone (202-634-3273 or 800-397-4209), between 8:30 a.m. and 4:15 p.m.; or by e-mail (PDR@nrc.gov); fax (202-634-3343); or a letter (NRC Public Document Room, LL-6, Washington, DC 20555-0001). In addition, copies of: (1) SECY-98-251, "Decommissioning Criteria for West Valley"; (2) the transcript of the public meeting held January 12, 1999; (3) the Commission's SRM of January 26, 1999, concerning the January 12, 1999, public meeting on SECY-98-251; (4) SECY-99-057, "Supplement to SECY-98-251, 'Decommissioning Criteria for West Valley'"; (5) the Commission's vote sheets on SECY-98-251 and SECY-99-057; and (6) the Commission's SRM of June 3, 1999, on SECY-98-251 and SECY-99-057, can be obtained electronically on NRC's home page (<http://www.nrc.gov>).

Public Meeting

NRC will conduct a public meeting at the Ashford Office Complex, 9030 Route 219, West Valley, New York, conference room C1, on [insert date] to discuss the draft policy statement for the decommissioning criteria for West Valley with interested members of the public. The meeting is scheduled for 7:00-9:30 p.m., and will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, NRC. There will be an opportunity for members of the public to ask questions of NRC staff and make comments related to the West Valley decommissioning criteria. The meeting will be transcribed. For more information on the public meeting contact Jack D. Parrott, Project Scientist, Office of Nuclear Material Safety and Safeguards, Mail Stop T-8F37, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; 301-415-6700; e-mail: jdp1@nrc.gov.

Dated at Rockville, Maryland, this [insert day]
day of [insert month], 1999.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

Attachment 3

Draft Congressional Letters

The Honorable Albert J. Gore, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

I am forwarding to you, for your information, the U.S. Nuclear Regulatory Commission's (NRC's) draft policy statement and notice of public meeting (enclosed, in Federal Register format) concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site.

NRC's prescription of decommissioning criteria for the WVDP is authorized by the West Valley Demonstration Project Act (Public Law 96-368). The Act authorizes DOE to carry out a high-level liquid nuclear waste management demonstration project at the State of New York's Western New York Service Center in West Valley, New York--the only commercial nuclear fuel reprocessing facility ever licensed in this country.

NRC's license for the site is in abeyance for the duration of the project. However, one of the requirements of DOE, under the Act, is to decontaminate and decommission, in accordance with requirements prescribed by NRC, certain facilities, equipment, materials, and hardware used in connection with the project.

NRC's draft policy statement regarding these decontamination and decommissioning requirements provides for applying NRC's License Termination Rule (10 CFR Part 20, Subpart E) as the decommissioning criteria for the WVDP and the West Valley site. Applying NRC's License Termination Rule to the decommissioning of the WVDP and West Valley site is consistent with the decommissioning requirements for all NRC licensees. The draft policy statement has been sent to the Federal Register for publication. NRC is requesting written public comment on the draft policy statement and has arranged for a public meeting to be held near the West Valley site to receive public comment.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

The Honorable J. Dennis Hastert
Speaker of the United States
House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I am forwarding to you, for your information, the U.S. Nuclear Regulatory Commission's (NRC's) draft policy statement and notice of public meeting (enclosed, in Federal Register format) concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site.

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Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Senator Bob Graham

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Rep. Ralph Hall

The Honorable Frank Murkowski, Chairman
Committee on Energy
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Sen. Jeff Bingaman

The Honorable Pete V. Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Sen. Harry Reid

The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am forwarding to you, for your information, the U.S. Nuclear Regulatory Commission's (NRC's) draft policy statement and notice of public meeting (enclosed, in Federal Register format), concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site.

NRC's prescription of decommissioning criteria for the WVDP is authorized by the West Valley Demonstration Project Act (Public Law 96-368). The Act authorizes DOE to carry out a high-level liquid nuclear waste management demonstration project at the State of New York's Western New York Service Center in West Valley, New York--the only commercial nuclear fuel reprocessing facility ever licensed in this country.

NRC's license for the site is in abeyance for the duration of the project. However, one of the requirements of DOE, under the Act, is to decontaminate and decommission, in accordance with requirements prescribed by NRC, certain facilities, equipment, materials, and hardware used in connection with the project.

NRC's draft policy statement regarding these decontamination and decommissioning requirements provides for applying NRC's License Termination Rule (10 CFR Part 20, Subpart E) as the decommissioning criteria for the WVDP and the West Valley site. Applying NRC's License Termination Rule to the decommissioning of the WVDP and West Valley site is consistent with the decommissioning requirements for all NRC licensees. The draft policy statement has been sent to the Federal Register for publication. NRC is requesting written public comment on the draft policy statement and has arranged for a public meeting to be held near the West Valley site to receive public comment.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Rep. Peter Visclosky

The Honorable Daniel Patrick Moynihan
United States Senate
Washington, DC 20510

Dear Mr. Moynihan:

I am forwarding to you, for your information, the U.S. Nuclear Regulatory Commission's (NRC's) draft policy statement and notice of public meeting (enclosed, in Federal Register format) concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site.

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NRC's draft policy statement regarding these decontamination and decommissioning requirements provides for applying NRC's License Termination Rule (10 CFR Part 20, Subpart E) as the decommissioning criteria for the WVDP and the West Valley site. Applying NRC's License Termination Rule to the decommissioning of the WVDP and West Valley site is consistent with the decommissioning requirements for all NRC licensees. The draft policy statement has been sent to the Federal Register for publication. NRC is requesting written public comment on the draft policy statement and has arranged for a public meeting to be held near the West Valley site to receive public comment.

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Office of Congressional Affairs

Enclosure: As stated

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

Dear Mr. Schumer:

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

The Honorable Amo Houghton
United States House of Representatives
Washington, DC 20515

Dear Mr. Houghton:

I am forwarding to you, for your information, the U.S. Nuclear Regulatory Commission's (NRC's) draft policy statement and notice of public meeting (enclosed, in Federal Register format) concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site.

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