



SECRETARY

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

RELEASED TO THE PDR  
10/26/99 DKW  
date Initials

October 26, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-232

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

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 26, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of October 26, 1999.

Annette Vietti-Cook  
Secretary of the Commission

Attachments:

- 1. Voting Summary
- 2. Commissioner Vote Sheets
- 3. Final SRM

- cc: Chairman Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

1/1  
DF02

VOTING SUMMARY - SECY-99-232

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DICUS	X				X	10/15/99
COMR. DIAZ	X				X	10/15/99
COMR. McGAFFIGAN	X				X	10/12/99
COMR. MERRIFIELD	X					10/13/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 26, 1999.

NOTATION VOTE

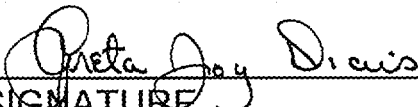
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DICUS  
SUBJECT: **SECY-99-232 - PUBLICATION, FOR PUBLIC COMMENT, OF  
A DRAFT POLICY STATEMENT ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY**

Approved <sup>w/comments</sup>  x  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

1. Refer to Attachment 2, SUPPLEMENTARY INFORMATION, Background, first paragraph, last sentence. Replace "The reprocessing activities resulted in 2,000,000 liters (600,000 gallons)" with "The reprocessing activities resulted in approximately 2,300,000 liters (600,000 gallons)." After verifying with staff that 600,000 gallons is the closer number, then 2,000,000 liters should be revised to 2,300,000 liters which is closer when rounding off. 600,000 gallons actually equals 2,271,000 liters.

  
SIGNATURE

10/15/99  
DATE

Entered on "AS" Yes  x  No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

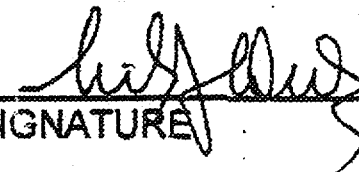
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER DIAZ  
SUBJECT: SECY-99-232 - PUBLICATION, FOR PUBLIC COMMENT, OF  
A DRAFT POLICY STATEMENT ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY

Approved  <sup>with</sup> comment  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

The last sentence of the first paragraph on page 3 of the draft FRN should be changed to read as follows:

"The Commission's application of the LTR to the WVDP is a two-step process: 1) the NRC is now prescribing the application of the LTR; and 2) following the completion of DOE/NYSERDA's Environmental Impact Statement (EIS) and selection of its preferred alternative, the NRC will verify that the specific criteria identified by DOE is within the LTR and will prescribe the use of this specific criteria for the WVDP."

  
\_\_\_\_\_  
SIGNATURE

10.15.99  
\_\_\_\_\_  
DATE

Entered on "AS" Yes \_\_\_\_\_ No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

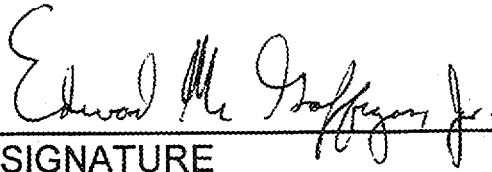
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: SECY-99-232 - PUBLICATION, FOR PUBLIC COMMENT, OF  
A DRAFT POLICY STATEMENT ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE

October 12, 1999  
\_\_\_\_\_  
DATE

Entered on "AS" Yes  No \_\_\_\_\_

**Commissioner McGaffigan's Comments on SECY-99-232**

I approve publication of the draft policy statement on decommissioning criteria for the West Valley Demonstration Project and West Valley site in the Federal Register for public comment. I suggest that the following edits to the draft policy statement be made prior to publication.

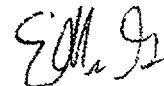
Replace sentence 4 in "*Decommissioning Criteria for the WVDP*" with the following:

"Rather, it provides for a range of criteria. For unrestricted release, the LTR specifies a dose criterion of 25 mrem/year to the average member of the critical group plus ALARA considerations (10 CFR 20.1402). For restricted release, the LTR specifies an individual dose criterion of 25 mrem/year plus ALARA considerations utilizing legally enforceable institutional controls established after a public participatory process (10 CFR 20.1403). Even if institutional controls fail, individual doses should generally not exceed 100 mrem/year. If it is demonstrated that the general 100 mrem/year criterion in the event of failure of institutional controls is technically unachievable or prohibitively expensive, the individual dose criterion in the event of failure of institutional controls may be as high as 500 mrem/year. However, in this circumstance this site would be rechecked by a responsible government entity no less frequently than every five years and resources would have to be set aside to provide for any necessary control and maintenance of the institutional controls. Finally, the LTR permits alternate individual dose criteria of up to 100 mrem/year plus ALARA considerations for restricted release with institutional controls established after a public participatory process (10 CFR 20.1404). Use of alternate criteria must be approved by the Commission itself after coordination with the Environmental Protection Agency and after consideration of the NRC staff's recommendations and all public comments."

Immediately after the section discussed above, add a new section as follows:

*"Decommissioning Criteria for the NDA and SDA*

"NRC will apply the criteria in the LTR to the NRC-licensed radioactive waste disposal area (NDA) within the WVDP site boundary since the NDA is under NRC jurisdiction. NRC will not apply the criteria in the LTR to the State-licensed radioactive waste disposal area (SDA) adjacent to the WVDP site boundary since the SDA is not under NRC jurisdiction."



NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-99-232 - PUBLICATION, FOR PUBLIC COMMENT, OF  
A DRAFT POLICY STATEMENT ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

  
\_\_\_\_\_  
SIGNATURE

10/13/99  
\_\_\_\_\_  
DATE

Entered on "AS" Yes  No



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

October 26, 1999

SECRETARY

MEMORANDUM TO:

William D. Travers  
Executive Director for Operations

FROM:

Annette Vietti-Cook, Secretary

SUBJECT:

STAFF REQUIREMENTS - SECY-99-232 - PUBLICATION,  
FOR PUBLIC COMMENT, OF A DRAFT POLICY  
STATEMENT ON DECOMMISSIONING CRITERIA FOR  
WEST VALLEY

The Commission has approved publication of the draft policy statement on decommissioning criteria for West Valley in the Federal Register for public comment subject to the changes provided in the attachment.

(EDO)

(SECY Suspense:

11/26/99)

Attachment: Changes to the draft policy statement in SECY-99-232

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

~~991029 0733~~ 2 pr



Changes to the draft policy statement in SECY-99-232

1. On page 1, in the 1<sup>st</sup> paragraph under "Supplemental Information," revise line 7 to read '~~... activities resulted in 2,000,000~~ 2,300,000 (600,000 gallons) of liquid ....'
2. On page 3, paragraph 1 (Decommissioning Criteria for the WVDP), replace sentence 4 with the following:

"Rather, it provides for a range of criteria. For unrestricted release, the LTR specifies a dose criterion of 25 mrem/year to the average member of the critical group plus ALARA considerations (10 CFR 20.1402). For restricted release, the LTR specifies an individual dose criterion of 25 mrem/year plus ALARA considerations utilizing legally enforceable institutional controls established after a public participatory process (10 CFR 20.1403). Even if institutional controls fail, individual doses should generally not exceed 100 mrem/year. If it is demonstrated that the general 100 mrem/year criterion in the event of failure of institutional controls is technically unachievable or prohibitively expensive, the individual dose criterion in the event of failure of institutional controls may be as high as 500 mrem/year. However, in this circumstance this site would be rechecked by a responsible government entity no less frequently than every five years and resources would have to be set aside to provide for any necessary control and maintenance of the institutional controls. Finally, the LTR permits alternate individual dose criteria of up to 100 mrem/year plus ALARA considerations for restricted release with institutional controls established after a public participatory process (10 CFR 20.1404). Use of alternate criteria must be approved by the Commission itself after coordination with the Environmental Protection Agency and after consideration of the NRC staff's recommendations and all public comments."

3. On page 3, paragraph 1 (Decommissioning Criteria for the WVDP), replace the last sentence with the following:

"The Commission's application of the LTR to the WVDP is a two-step process: 1) the NRC is now prescribing the application of the LTR; and 2) following the completion of DOE/NYSERDA's Environmental Impact Statement (EIS) and selection of its preferred alternative, the NRC will verify that the specific criteria identified by DOE is within the LTR and will prescribe the use of this specific criteria for the WVDP."

4. On page 3, after paragraph 1, add a new section as follows:

*"Decommissioning Criteria for the NDA and SDA*

"NRC will apply the criteria in the LTR to the NRC-licensed radioactive waste disposal area (NDA) within the WVDP site boundary since the NDA is under NRC jurisdiction. NRC will not apply the criteria in the LTR to the State-licensed radioactive waste disposal area (SDA) adjacent to the WVDP site boundary since the SDA is not under NRC jurisdiction."