

October 26, 1999

COMMISSION VOTING RECORD

DECISION SECY-99-232

ITEM:

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

VOTING SUMMARY - SECY-99-232

RECORDED VOTES

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIP | COMMENTS | DATE |
|------------------|--------------|-----------------|----------------|-------------------------|-----------------|-------------|
| COMR. 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.

Commissioner Comments on SECY-99-232

Chairman Dicus

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.

Commissioner Diaz

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 DO/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."

Commissioner McGaffigan

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."