

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 **EXIT**), 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 Suspende: 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 Suspende: 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