

February 2, 2000

MEMORANDUM TO: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: William D. Travers */RA/*  
Executive Director for Operations

SUBJECT: REQUEST FOR EXTENSION OF COMMENT PERIOD ON  
DRAFT POLICY STATEMENT ON DECOMMISSIONING  
CRITERIA FOR WEST VALLEY

In response to the staff requirements memorandum (SRM) dated June 3, 1999, the staff held a public meeting January 5, 2000, on the draft Policy Statement on the decommissioning criteria for the West Valley Demonstration Project (WVDP) and West Valley site. The draft Policy Statement was published in the Federal Register on December 3, 1999. The public meeting resulted in an informative discussion on the decommissioning criteria for West Valley, and many substantive comments on the draft Policy Statement.

One of the primary concerns expressed by many members of the public was that the comment period on the draft Policy Statement is not long enough. The 60-day comment period, stipulated in the SRM and specified in the Federal Register notice, started with the December 3, 1999, publication of the draft Policy Statement and ends February 1, 2000. The U.S. Department of Energy and the New York State Energy Research and Development Authority, the agencies that would be responsible for applying the criteria, believe that a reasonable extension of the comment period will not impact their work on the joint Environmental Impact Statement for completion of the WVDP and closure or long-term management of the site. Therefore, a reasonable extension of the comment period is supported by the agencies involved at the site and there were no objections.

Although the commentators requested extensions for time periods for as long as six months, the staff believes that a 60-day extension would be sufficient. Therefore, unless otherwise directed by the Commission, the staff plans to extend the comment period for an additional 60 days, or until April 1, 2000.

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The Commissioners

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It should be noted that granting this extension will impact some of the milestone dates for prescribing the West Valley decommissioning criteria identified in the NMSS Commission Tracking Memorandum of January 7, 2000. The milestones for the commission paper and Policy Statement will be extended by 2 months. The Policy Statement will now be published in November 2000.

SECY, please track.

Attachment: Revised February 2000 CTM

cc: SECY  
OGC  
OCA  
OPA  
OCIO  
OCFO



[These changes will be made to the February 2000 CTM]

**VII. Topic Area: Materials and Waste Programs**

**I. West Valley Decommissioning Criteria**

SES Manager: J. Greeves, Director, Division of Waste Management

Objective: Prescribe decommissioning criteria for use by the Department of Energy for the West Valley Demonstration Project and for any follow-on licensing activities.

Coordination: Region I

Public meeting on policy statement at West Valley site ~~will be~~ **was** conducted on ~~December 31, 1999.~~ **January 5, 2000, at the Ashford Office Complex, West Valley, New York as announced in the December 3, 1999, Federal Register Notice. The end of the comment period on the Draft Policy Statement was extended 60 days from February 1, 2000, to April 1, 2000.**

Public comments will be incorporated into **the** revised policy statement ~~by March 31, 2000.~~

<b>Prior to February 1, 2000</b>		
Milestone	Date	Lead
1. Publish draft West Valley decommissioning criteria policy statement in the <u>Federal Register</u> (199800178)	12/03/99 C	J. Parrott, DWM

<b>Through June 30, 2000</b>		
Milestone	Date	Lead
2. <del>Commission Paper, with revised policy statement, to Commission for approval (199800178)</del>	<del>6/30/00</del>	J. Parrott, DWM

<b>Beyond June 30, 2000</b>		
Milestone	Date	Lead
2. <b>Commission Paper, with revised policy statement, to Commission for approval (199800178)</b>	<b>8/30/00*</b>	J. Parrott, DWM
3. Publish revised policy statement in <u>Federal Register</u>	<del>9/30/00</del> <b>11/30/00*</b>	J. Parrott, DWM
4. After publication of West Valley Supplemental EIS, approve specific criteria for West Valley site	<del>09/30/01</del> <b>TBD</b>	J. Parrott, DWM

Comments:

**2 & 3. Based on public comments at the January 5, 2000 meeting, staff extended the public comment period.**

4. Timing of final decommissioning criteria issuance will depend on DOE publication of the West Valley Supplemental EIS.