June 3, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette Vietti-Cook, Secretary /s/

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.

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