

West Valley

March 29, 1999

**Citizen
Task
Force**

The Honorable Shirley Jackson, Ph.D.
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: SECY-98-251, SECY 99-057
Decommissioning Criteria for West Valley

Dear Chairman Jackson:

I am writing on behalf of the West Valley Citizens Task Force (CTF). We wish to thank you and the other members of the Commission and the staff for the many courtesies which were extended to me during my attendance at the briefing on West Valley on January 12, 1999. We were all very impressed with the time and attention devoted to West Valley and the obvious preparation that had occurred prior to the January 12, 1999, briefing. The Citizen Task Force watched a videotape of the proceedings with great interest.

We are pleased that the Supplement to SECY-98-251 (SECY-99-057) has been prepared and presented to you. In many ways it reflects comments which I made on behalf of the CTF. Of particular importance is the first option offered to the Commission which, if adopted, would "Prescribe...the License Termination Rule...as the final decommissioning criteria applicable to the...West Valley Project." As stated in my prepared statement dated December 22, 1998, and in my verbal testimony on January 12, 1999, we request that the NRC adopt Option 1 (A) and apply the License Termination Rule to West Valley.

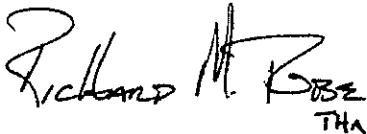
Integral to the adoption of Option 1 (A), would be an answer to our second request in which we asked that the NRC prescribe (not "postscribe") the clean-up standards that would apply to West Valley. We do not believe it appropriate or helpful for the NRC to indicate what the decontamination and decommissioning standards would be for the West Valley project only after the selection of the preferred alternative and the completion of the Environmental Impact Statement and perhaps the finalization of the Record of Decision. We believe the NRC should "set in advance clear, objective standards for the protection of human health and the environment so as to guide, influence and finally judge proposed activities."



We have not studied or taken a position on the legal issue of whether the NRC has discretion under the West Valley Demonstration Project Act in choosing whether to establish decontamination and decommissioning standards for West Valley. We believe, however, as a matter of policy, the NRC should choose to set the decontamination and decommissioning standards. No other organization has the expertise, credibility or clear legal authority to do so. Standards are necessary for the clean up project to proceed. We hope the NRC will provide this leadership.

We trust you will give these additional comments and our original comments of December 22, 1998, and of January 12, 1999, your consideration as you finalize your decision pursuant to the West Valley Demonstration Project Act.

Very truly yours,

A handwritten signature in black ink that reads "Richard M. Tobe". The signature is stylized with a large initial "R" and "T".

RICHARD M. TOBE

On Behalf of the West Valley Citizens Task Force

RMT:lt