

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER DICUS

SUBJECT: SECY-97-087 - OKLAHOMA AGREEMENT STATE
NEGOTIATIONS: STATE REQUESTS THAT MAJOR
FACILITIES UNDERGOING SITE DECOMMISSIONING
NOT BE RELINQUISHED TO STATE

Approved _____ Disapproved^{With Comment} X Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

John Jay Dicus
SIGNATURE

Release Vote /X/

May 20, 1997
DATE

Withhold Vote / /

Entered on "AS" Yes X No _____

Commissioner Dicus' comments on SECY-97-087:

Staff presently has two letters from the State of California which may bear upon the request from Oklahoma (attachments). These letters concern sites that were formerly licensed by the AEC and AEC terminated the licenses prior to the State's 274.b agreement with the Commission. These sites were subsequently found to contain radioactive contamination levels exceeding guidelines currently in use for unrestricted use. The State takes the position that responsibility for directing cleanup of these sites lies with the Commission and not with the State.

Staff has not responded to the California letters pending its submission of a paper that addresses the California matter as a policy issue and a Commission decision on what the policy should be. I understand that a final decision on the Oklahoma request is not presently on the State's critical path to a 274.b agreement and that the paper on the policy issue raised by California is expected to be sent to the Commission in the near future.

While taking no position on the California matter, I conclude that it would be premature for the Commission to make a decision on the Oklahoma request until it addresses the policy issue raised by California. Delaying the decision will assure consistency in both the Oklahoma and California cases. Further, a Commission decision on the policy issue raised by California should add to the basis for a final decision on Oklahoma's request. Therefore, I suggest deferring issuance of an SRM on the Oklahoma request until the policy issue raised by California has been addressed by the Commission.