

June 13, 2001

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-01-0088

TITLE:                   DEFERRAL OF REGULATORY OVERSIGHT OF  
AREA 10 (THE SANDPILE) OF THE LAKE CITY  
ARMY AMMUNITION PLANT TO THE U.S. EPA,  
AND REQUEST TO REMOVE SITE FROM SITE  
DECOMMISSIONING MANAGEMENT PLAN LIST  
WHEN REMAINING REMEDIATIONS UNDER NRC'S  
OVERSIGHT ARE COMPLETED

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of June 13, 2001.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:   Chairman Meserve  
      Commissioner Dicus  
      Commissioner Diaz  
      Commissioner McGaffigan  
      Commissioner Merrifield  
      OGC  
      EDO  
      PDR

VOTING SUMMARY - SECY-01-0088

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X					6/6/01
COMR. DICUS	X				X	6/5/01
COMR. DIAZ	X					5/31/01
COMR. McGAFFIGAN	X					5/24/01
COMR. MERRIFIELD	X					5/31/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on June 13, 2001.

## Commissioner Comments on SECY-01-0088

### Commissioner Dicus

I want to commend staff for their efforts in putting together what was obviously a very complex and challenging paper. Based on the Lake City Army Ammunition Plant (LCAAP) being a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) listed Superfund site, and based on the Resource Conservation and Recovery Act mixed-waste determination of Area 10 due to elevated levels of lead, I approve staff's recommendation to defer remediation oversight responsibility of Area 10 to the EPA. Since the LCAAP is a listed Superfund site, the final CERCLA release determination would ultimately rest with the EPA. Upon final coordination with the parties involved regarding such deferral, I recommend that staff provide written notification to each party documenting the agreed upon terms and conditions. Essential to this notification, is NRC's responsibility to review the EPA's basis of determination concluding that Area 10 remediation has been completed and conducting final confirmatory measurements to verify that residual contamination levels are in compliance with the Site Decommissioning Management Plan (SDMP) cleanup limits.

I also approve staff's recommendation to remove the LCAAP from the SDMP once remediation efforts have been completed for Building 3A and the 600-yard Bullet Catcher, with the understanding that the LCAAP license will not be considered for termination until Area 10 remediation has also been completed, which may not take place until 2008.