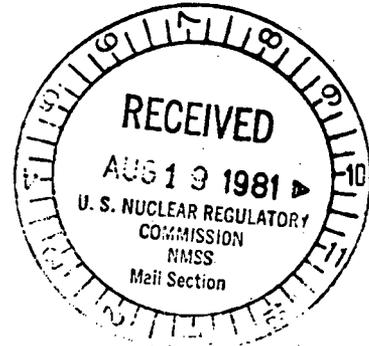


**New York State
Energy Research and Development Authority**
Two Rockefeller Plaza • Albany, New York 12223
(518) 465-6251

August 14, 1981

Mr. John G. Davis
Director
Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Davis:

With this letter, the Energy Research and Development Authority (ERDA) of the State of New York, joined by the U.S. Department of Energy (DOE), submits to the Commission an application for amendment of License No. CSF-1 to provide for the West Valley Demonstration Project at the Western New York Nuclear Services Center. Submission of the application by ERDA, joined by DOE, is required by Section 2(b)(4)(D) of the West Valley Demonstration Project Act, Pub. L. 96-368, 94 Stat. 1347 (October 1, 1980).

As §50.33 of the Commission's regulations requires, we are submitting three originals of the application signed under oath, together with 19 copies. Under §§50.33(e) and 170.21 of the Commission's regulations, no filing fee is required to accompany this application for amendment of License No. CSF-1.

Sincerely,

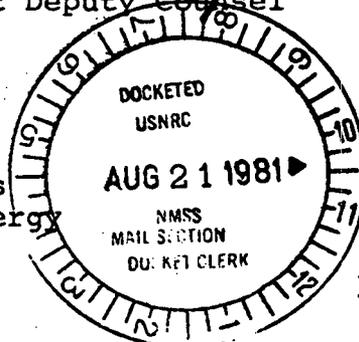
Howard A. Jack
First Deputy Counsel

H AJ:smd

Attachments

cc: The Honorable James B. Edwards
United States Secretary of Energy

Ralph W. Denster, President
Nuclear Fuel Services, Inc.



10513

Before the
UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
NUCLEAR FUEL SERVICES, INC.,)
)
and) Docket No. 50-201
)
NEW YORK STATE ENERGY RESEARCH)
AND DEVELOPMENT AUTHORITY,)
successor to the New York State Atomic)
and Space Development Authority)

APPLICATION FOR AMENDMENT
OF
LICENSE NO. CSF-1
TO AUTHORIZE
TRANSFER OF THE FACILITY

Submitted by:

NEW YORK STATE ENERGY RESEARCH
AND DEVELOPMENT AUTHORITY
Albany, New York

Carmine J. Clemente, Esq.
General Counsel

Howard A. Jack, Esq.
First Deputy Counsel

Philip H. Gitlen, Esq.
Whiteman, Osterman & Hanna
Of Counsel

Joined by:

UNITED STATES DEPARTMENT
OF ENERGY
Washington, D.C.

Warren E. Bergholz, Jr., Esq.
Attorney

August 14, 1981

19816

Before the
UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
NUCLEAR FUEL SERVICES, INC.,)
and) Docket No. 50-201
NEW YORK STATE ENERGY RESEARCH)
AND DEVELOPMENT AUTHORITY,)
successor to the New York State Atomic)
and Space Development Authority)

APPLICATION FOR AMENDMENT
OF
LICENSE NO. CSF-1
TO AUTHORIZE
TRANSFER OF THE FACILITY

A. Nature of the Amendment

On April 19, 1966, the Atomic Energy Commission, predecessor of the Nuclear Regulatory Commission¹, issued Provisional Operating License No. CSF-1, pursuant to Section 104b of the Atomic Energy Act of 1954².

¹ The word "Commission" refers to the Atomic Energy Commission with respect to any period before January 19, 1975; and to the Nuclear Regulatory Commission with respect to the period beginning January 19, 1975.

² Act of August 1, 1946, c. 724, §104b, as amended, Act of August 30, 1954, c. 1073, §1, 68 Stat. 937 [current version at 42 U.S.C. §2134(b) (1976)].

License No. CSF-1 is a Class 104 license, as described in §50.21(b)(1) of the Commission's regulations, 10 C.F.R. §50.21(b)(1)(1980). The license authorizes operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility, at a site known as the Western New York Nuclear Services Center ("Center"), in West Valley, New York. Nuclear Fuel Services, Inc. ("NFS") was licensed to operate the facility and possess radioactive materials and wastes at the Center; the New York State Atomic and Space Development Authority ("ASDA") was licensed as owner and lessor of the Center. Under New York State law, ASDA was reconstituted as and succeeded by the New York State Energy Research and Development Authority ("ERDA") in 1975.³

ERDA, joined by the United States Department of Energy ("DOE"), as directed by Congress in the West Valley Demonstration Project Act ("Project Act"), Pub. L. No. 96-368, 94 Stat. 1347 (Oct. 1, 1980), submits this application to amend License No. CSF-1 to provide for the high-level radioactive waste management demonstration project that is authorized and mandated by the Project Act. Submission of the application by one of the licensees, ERDA, joined by DOE, is consistent with subparagraph 4(A) of License No. CSF-1 and required by Section 2(b)(4)(D) of the Project Act. The amendment comprises a new paragraph "7" to be added to License No. CSF-1, to read:

³ See infra p. 6.

7. The licensees, as their respective interests under this license appear, may transfer premises and facilities (the "facility") to the United States Department of Energy ("DOE") in accordance with the West Valley Demonstration Project Act ("Project Act"), Pub. L. No. 96-368, subject to the following conditions:
 - A. DOE shall assume exclusive possession of the facility and shall continue in possession until such time as the licensees, as their respective interests under this license appear, reacquire the facility.
 - B. (1) Commencing on the date of transfer of the facility to DOE, and continuing until DOE surrenders possession thereof:
 - a. Neither licensee shall be authorized to possess, use, or operate, or be responsible for maintenance, surveillance, or safeguarding of the facility under this license; and to the extent that either licensee retains any right, title, or interest in any property located at the facility or any interest or responsibility under this license, it is not authorized to take or permit, and shall not take or permit, any action under this license which in DOE's judgment may inhibit or prevent DOE from taking any action under the Atomic Energy Act or the Project Act:
 - (i) to carry out its activities pursuant to the Project Act;
 - (ii) to guard against the loss or diversion of any special nuclear material located at the facility;
 - (iii) to prevent any use of or disposition of any special nuclear material located at the facility which DOE may determine to be inimical to the common defense and security; or
 - (iv) to protect health or minimize danger to life or property.

b. Neither licensee shall have further responsibility under subparagraph 5(B) or (C) of this license to develop, maintain, or submit records or reports pertaining to events occurring or conditions prevailing at the facility during the time the facility is in DOE's possession;

(2) Commencing on the date of transfer of the facility, the technical specifications referenced in subparagraph 5(A) of this license shall be held in abeyance.

C. Except as provided in subparagraph (A) and (B) of this paragraph 7, the responsibilities of the licensees under this license, as their respective interests under this license appear, shall continue in effect, provided that neither licensee is authorized to take or permit, and shall not take or permit (to the extent it has legal authority to do so) any other person to take, any action under this license which in DOE's judgment may inhibit or prevent DOE from taking any action under the Atomic Energy Act or the Project Act:

- (i) to carry out its activities pursuant to the Project Act;
- (ii) to guard against the loss or diversion of any special nuclear material located at the facility;
- (iii) to prevent any use of or disposition of any special nuclear material located at the facility which DOE may determine to be inimical to the common defense and security; or
- (iv) to protect health or minimize danger to life or property.

D. The licensees, as their respective interests under this license appear, shall:

(1) reacquire and possess the facility upon surrender of the facility by DOE, in accordance with such technical specifications and subject to such other provisions as the Commission finds necessary and proper under the Atomic Energy Act and Commission regulations; and

(2) make timely application to the Commission for authority to reacquire and possess the facility upon surrender of the facility by DOE.

In addition, ERDA notes that the Commission originally issued License No. CSF-1 as a provisional license. As a result the license term is still indefinite. Although not a part of the amendment sought here, the Commission may wish to take the opportunity to resolve this matter and extend the license for the duration of the Project or for a specified period. (Because the license was issued under Section 104 of the Act, however, a fixed term does not appear to be required by law.)

B. General Information

1. Name of Applicant. The applicant is the New York State Energy Research and Development Authority, which is joined in the submission of the application by the United States Department of Energy.

2. Address of Applicant. The address of the applicant is:

Energy Research and Development Authority
Two Rockefeller Plaza
Albany, New York 12223

The address of DOE is:

United States Department of Energy
Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585

3. Nature of Applicant's Business. The Energy Research and Development Authority is a body corporate and

politic of the State of New York, constituting a public benefit corporation under the laws of the State, established by the State under the New York State Energy Research and Development Authority Act, L. 1975, c. 864 (eff. Sept. 8, 1975), NY PUB. AUTHORITIES LAW, §§1850 et. seq. (McKinney 1981). ERDA's primary purposes are to develop, implement, and encourage new energy technologies and energy conservation technologies through research, development, and demonstration programs, certain joint undertakings with other entities, and provision of services, information, and certain financial support to the public and other entities. In addition, ERDA succeeded to ASDA's powers with respect to the Center.

The Department of Energy is an executive department of the United States established by Congress for the purposes set forth in the Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 (Aug. 4, 1977), 42 U.S.C. §§7101 et. seq.

4. Description of Applicant.

(a) As described above, ERDA is incorporated in the State of New York and has its principal place of business in Albany, New York.

(b) The names, addresses, and citizenship of ERDA's current directors and principal officers are:

(i) Directors.

Chairman

James L. Larocca
Two Rockefeller Plaza
Albany, New York 12223
United States Citizen

Director	John S. Dyson 10 Columbus Circle New York, New York 10019 United States Citizen
Director	Robert F. Flacke 50 Wolf Road Albany, New York 12233 United States Citizen
Director	Paul L. Gioia Three Rockefeller Plaza Albany, New York 12223 United States Citizen
Director	Roy W. Bahl, Jr. Syracuse University Syracuse, New York 13210 United States Citizen
Director	Theodore J. Carlson 284 South Avenue Poughkeepsie, New York 12602 United States Citizen
Director	Eugene H. Luntz 195 Montague Street Brooklyn, New York 11201 United States Citizen
Director	Alan McGowan 355 Lexington Avenue New York, New York 10017 United States Citizen
Director	Victor P. Meskill Dowling College Oakdale, New York 11769 United States Citizen
Director	David Sive 425 Park Avenue New York, New York 10022 United States Citizen
Director	David J. Richardson 840 Ellison Avenue Westbury, New York 11590 United States Citizen

Director Joanna D. Underwood
25 Broad Street
New York, New York 10004
United States Citizen

Director [VACANT]

(ii) Principal Officers

Executive Director [VACANT]

Secretary and General Carmine J. Clemente
Counsel Two Rockefeller Plaza
Albany, New York 12223
United States Citizen

Treasurer Eric M. Markell
Two Rockefeller Plaza
Albany, New York 12223
United States Citizen

(c) ERDA, as an instrumentality of the State of New York, is not owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.

5. Class of License. As noted above, License No. CSF-1 is a Class 104 license for operation of a spent nuclear fuel reprocessing facility. The amendment submitted does not entail any change in the class of license, but only transfer of possession of and responsibility for the facility to DOE.

License No. CSF-1 also includes authorizations under Parts 30, 40, and 70 of the Commission's regulations for NFS to possess certain radioactive materials and wastes. The amendment submitted here does not cover those parts of the license, however. Sections 30.41, 40.51, and 70.42 of the Commission's regulations already permit NFS to transfer

possession of radioactive materials and wastes to DOE (legal successor to the former U.S. Energy Research and Development Administration).

6. Financial Qualifications. The financial qualifications of the licensees were previously established in Commission proceedings on License No. CSF-1. Transfer of possession of the facility to DOE does not entail any new, broader financial obligations for the licensees. Accordingly, no further showing of financial qualifications is necessary to support the amendment submitted here.

C. Specific Supporting Information

1. After the Commission issued License No. CSF-1, from 1966 to 1971 NFS reprocessed about 625 metric tons of spent nuclear fuel at the Center, including about 460 tons of spent fuel from reactors owned by the Commission. NFS's reprocessing operations during that period generated approximately 600,000 gallons of liquid high-level nuclear wastes that currently are stored in underground steel tanks at the Center.

2. In 1972, NFS closed its reprocessing plant at the Center for a planned enlargement and modification of the facility. In October, 1973, NFS submitted an application to the Commission for amendment of the operating license and its related materials licenses, and for a construction permit, to authorize the proposed plant enlargement and modification plan for the facility.

3. In September of 1976, NFS notified the Commission that, because of changed regulatory requirements, it had abandoned its plans for expansion and modification of the reprocessing plant, would no longer pursue its related application for license amendments, and was withdrawing from the nuclear fuel reprocessing business. NFS has continued to operate the facility for the purpose of maintenance and surveillance of the facility, including the high-level liquid waste storage tanks.

4. In September, 1980, Congress passed the West Valley Demonstration Project Act. The Project Act requires the Secretary of Energy ("Secretary") to carry out a high-level waste demonstration project ("Project") at the Center for the purpose of demonstrating solidification techniques for preparing high-level radioactive wastes for disposal. The Project Act sets forth in detail the Secretary's responsibilities for the substance of the Project, public hearings, cooperation with the State, and review and consultation with the Commission. A copy of the Project Act is attached to this application as Exhibit A.

5. The Project Act directs the Secretary and the Commission to enter into a comprehensive agreement, no later than September 30, 1981, establishing arrangements for review and consultation by the Commission with respect to the Project.

6. The Project Act, Section 2(b)(4)(d), directs DOE and the State of New York jointly to submit to the Commission as soon as possible an application for a licensing amendment providing for the Project.

7. The amendment set forth in this application provides for the Project required by the Act. The amendment would permit the licensees, as their interests under the license appear, to transfer possession of the facility to DOE to carry out the Project. During the period that DOE has possession of the facility, the licensees would be relieved of any responsibility under the license for maintenance and surveillance of the facility and would not be authorized to possess, use, or operate it, nor in any way interfere with DOE's use of it in carrying out the Project. The licensees would not have to generate or maintain any records or reports pertaining to events occurring or conditions prevailing at the facility during the period DOE is in possession. The technical specifications would also be held in abeyance.

The amendment submitted also provides that in all other respects the responsibilities of NFS and ERDA under the license continue in effect, provided that neither NFS nor ERDA may have any control over the Project under the license. In addition, the amendment requires NFS and ERDA, as their interests under the license appear, to reacquire and possess the facility upon surrender of the facility by DOE, in accordance with such technical specifications and subject to

--

such other provisions as the Commission finds necessary and proper. Finally, NFS and ERDA, as their interests under the license appear, would be obliged to make timely application to the Commission to reacquire and possess the facility upon surrender of the facility by DOE.

D. Environmental Documents Not Required

No environmental report, environmental impact appraisal or assessment, negative declaration or finding of no significant impact, or environmental impact statement is required with respect to this application [10 C.F.R. §51.5(d) (4) (1980)]. The amendment set forth here does not entail the Commission's authorization of any significant environmental impact or significant hazard, or, indeed, any construction or other alteration of the physical environment. The amendment would merely conform the license to accommodate the demonstration project, exempt from licensing and already mandated by Congress, so that the licensees would not be in violation of the license by allowing DOE to assume possession of the facility to carry out the Project. The Project itself is the subject of full environmental review, and DOE is now preparing an environmental impact statement pursuant to the provisions of the National Environmental Policy Act of 1969 ("NEPA") and Section 2(b)(3)(D) of the Project Act. In addition, the Project Act provides a separate set of procedures for Commission informal review of the Project, pursuant to the interagency agreement that DOE and the

Commission are required to prepare in accordance with Section 2(c) of the Project Act.

Issuing the amendment set forth in this application is not an action described in §51.5(a) or (b) of the Commission's regulations [10 C.F.R. §51.5(a) and (b)(1980)]. Therefore, an environmental report is not required under §§51.20, 51.21, or 51.41 of the regulations [10 C.F.R. §§51.20, 51.21, and 51.41(1980)].

E. Technical Information Not Required.

No preliminary safety analysis report, final safety analysis report, physical security plan, or safeguards contingency plan is required with respect to this application. The Commission's regulations, 10 C.F.R. §50.34 (1980), explicitly require those documents only for applications for construction permits or operating licenses. Moreover, those documents are not material to this application because the amendment submitted here would not entail any new construction or operation authority for either licensee. Rather, this amendment would be an administrative action conforming the terms and conditions of the license to accommodate the DOE demonstration project, exempt from licensing and required by the Project Act. As noted above, DOE's technical plans for implementing the Project will be subject to the Project Act's requirements for informal Commission review pursuant to the interagency agreement that DOE and the Commission are required to prepare.

F. Need for Expeditious Action.

The Project Act demonstrates the intent of Congress that the Project proceed expeditiously. Section 2 contemplates that preliminary actions necessary to facilitate and prepare for carrying out the solidification demonstration be completed by September 30, 1981. The Project Act also calls upon DOE and the State of New York to submit this application as soon as possible. Moreover, DOE is currently scheduled to assume possession of the facility no later than October 1, 1981. Therefore, the applicant and DOE respectfully request the Commission to act expeditiously to issue the amendment set forth above.

G. Communications to Applicant.

Any communications to ERDA concerning this application should be made to:

Carmine J. Clemente, Esq.
General Counsel
Energy Research and Development Authority
Two Rockefeller Plaza
Albany, New York 12223
(518) 465-6251

Theodore K. DeBoer
Director, West Valley Program
Energy Research and Development Authority
Two Rockefeller Plaza
Albany, New York 12223
(518) 465-6251

Philip H. Gitlen, Esq.
Whiteman, Osterman & Hanna
99 Washington Avenue
Albany, New York 12210
(518) 449-7600

Any communications to DOE concerning this application should be made to:

Warren E. Bergholz, Jr., Esq.
Office of the General Counsel
United States Department of Energy
GC: 32
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 252-6975

David J. McGoff
Director, Projects Division
Office of Waste Operations and Technology
Office of Nuclear Energy
United States Department of Energy
NE: 323
Washington, D.C. 20545
(301) 353-3031

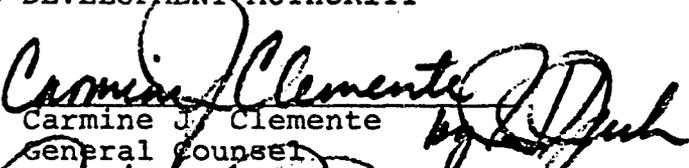
H. Right to Withdraw.

DOE and ERDA reserve the right to withdraw the Application or their respective participation in it, as their respective interests may appear, at any time prior to

Nuclear Regulatory Commission action with respect to the Application, by filing appropriate notification with the Commission.

Respectfully submitted,

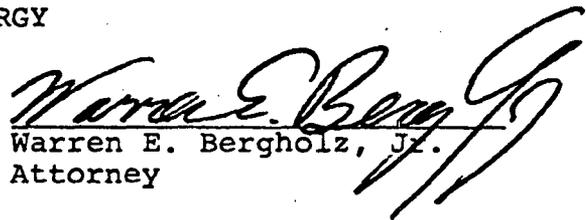
NEW YORK STATE ENERGY RESEARCH
AND DEVELOPMENT AUTHORITY

By: 
Carmine J. Clemente
General Counsel


Howard A. Jack
First Deputy Counsel

Joined by:

UNITED STATES DEPARTMENT OF
ENERGY

By: 
Warren E. Bergholz, Jr.
Attorney

August , 1981

District of Columbia)

I, a Notary Public of the District of Columbia, certify that on *August 14*, 1981, Howard A. Jack personally appeared before me and swore that he has read the above application for amendment of Nuclear Regulatory Commission License No. CSF-1 and that the information in the application is true to the best of his knowledge, information, and belief.

Witness, my hand and seal.

Edith J. Roberts
Notary Public

My Commission Expires: Oct. 14, 1984.

District of Columbia)

I, a Notary Public of the District of Columbia, certify that on *August 14*, 1981, Warren E. Bergholz, Jr. personally appeared before me and swore that he has read the above application for amendment of Nuclear Regulatory Commission License No. CSF-1 and that the information contained in the application is true to the best of his knowledge, information, and belief.

Witness, my hand and seal.

Edith J. Roberts
Notary Public

My Commission Expires: Oct. 14, 1984

EXHIBIT A

Public Law 96-368
96th Congress

An Act

To authorize the Department of Energy to carry out a high-level liquid nuclear waste management demonstration project at the Western New York Service Center in West Valley, New York.

Oct. 1, 1980
[S. 2443]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "West Valley Demonstration Project Act".

SEC. 2. (a) The Secretary shall carry out, in accordance with this Act, a high level radioactive waste management demonstration project at the Western New York Service Center in West Valley, New York, for the purpose of demonstrating solidification techniques which can be used for preparing high level radioactive waste for disposal. Under the project the Secretary shall carry out the following activities:

West Valley
Demonstration
Project Act.
42 USC 2021a
note.
42 USC 2021a
note.

Activities.

(1) The Secretary shall solidify, in a form suitable for transportation and disposal, the high level radioactive waste at the Center by vitrification or by such other technology which the Secretary determines to be the most effective for solidification.

(2) The Secretary shall develop containers suitable for the permanent disposal of the high level radioactive waste solidified at the Center.

(3) The Secretary shall, as soon as feasible, transport, in accordance with applicable provisions of law, the waste solidified at the Center to an appropriate Federal repository for permanent disposal.

(4) The Secretary shall, in accordance with applicable licensing requirements, dispose of low level radioactive waste and transuranic waste produced by the solidification of the high level radioactive waste under the project.

(5) The Secretary shall decontaminate and decommission—

(A) the tanks and other facilities of the Center in which the high level radioactive waste solidified under the project was stored,

(B) the facilities used in the solidification of the waste, and

(C) any material and hardware used in connection with the project,

in accordance with such requirements as the Commission may prescribe.

(b) Before undertaking the project and during the fiscal year ending September 30, 1981, the Secretary shall carry out the following:

(1) The Secretary shall hold in the vicinity of the Center public hearings to inform the residents of the area in which the Center is located of the activities proposed to be undertaken under the project and to receive their comments on the project.

(2) The Secretary shall consider the various technologies available for the solidification and handling of high level radioactive waste taking into account the unique characteristics of such waste at the Center.

Hearings

(3) The Secretary shall—

(A) undertake detailed engineering and cost estimates for the project,

(B) prepare a plan for the safe removal of the high level radioactive waste at the Center for the purposes of solidification and include in the plan provisions respecting the safe breaching of the tanks in which the waste is stored, operating equipment to accomplish the removal, and sluicing techniques,

(C) conduct appropriate safety analyses of the project, and

(D) prepare required environmental impact analyses of the project.

(4) The Secretary shall enter into a cooperative agreement with the State in accordance with the Federal Grant and Cooperative Agreement Act of 1977 under which the State will carry out the following:

(A) The State will make available to the Secretary the facilities of the Center and the high level radioactive waste at the Center which are necessary for the completion of the project. The facilities and the waste shall be made available without the transfer of title and for such period as may be required for completion of the project.

(B) The Secretary shall provide technical assistance in securing required license amendments.

(C) The State shall pay 10 per centum of the costs of the project, as determined by the Secretary. In determining the costs of the project, the Secretary shall consider the value of the use of the Center for the project. The State may not use Federal funds to pay its share of the cost of the project, but may use the perpetual care fund to pay such share.

(D) Submission jointly by the Department of Energy and the State of New York of an application for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.

(c) Within one year from the date of the enactment of this Act, the Secretary shall enter into an agreement with the Commission to establish arrangements for review and consultation by the Commission with respect to the project: *Provided*, That review and consultation by the Commission pursuant to this subsection shall be conducted informally by the Commission and shall not include nor require formal procedures or actions by the Commission pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, or any other law. The agreement shall provide for the following:

(1) The Secretary shall submit to the Commission, for its review and comment, a plan for the solidification of the high level radioactive waste at the Center, the removal of the waste for purposes of its solidification, the preparation of the waste for disposal, and the decontamination of the facilities to be used in solidifying the waste. In preparing its comments on the plan, the Commission shall specify with precision its objections to any provision of the plan. Upon submission of a plan to the Commission, the Secretary shall publish a notice in the Federal Register of the submission of the plan and of its availability for public inspection, and, upon receipt of the comments of the Commission respecting a plan, the Secretary shall publish a notice in the Federal Register of the receipt of the comments and of the availability of the comments for public inspection. If the Secre-

41 USC 501
note.

State costs,
percentage.

Licensing
amendment
application.

42 USC 2011
note.
42 USC 5801
note.

Publications
in Federal
Register.

tary does not revise the plan to meet objections specified in the comments of the Commission, the Secretary shall publish in the Federal Register a detailed statement for not so revising the plan.

(2) The Secretary shall consult with the Commission with respect to the form in which the high level radioactive waste at the Center shall be solidified and the containers to be used in the permanent disposal of such waste.

(3) The Secretary shall submit to the Commission safety analysis reports and such other information as the Commission may require to identify any danger to the public health and safety which may be presented by the project.

(4) The Secretary shall afford the Commission access to the Center to enable the Commission to monitor the activities under the project for the purpose of assuring the public health and safety.

(d) In carrying out the project, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Director of the Geological Survey, and the commercial operator of the Center.

SEC. 3. (a) There are authorized to be appropriated to the Secretary for the project not more than \$5,000,000 for the fiscal year ending September 30, 1981.

(b) The total amount obligated for the project by the Secretary shall be 90 per centum of the costs of the project.

(c) The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

SEC. 4. Not later than February 1, 1981, and on February 1 of each calendar year thereafter during the term of the project, the Secretary shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate an up-to-date report containing a detailed description of the activities of the Secretary in carrying out the project, including agreements entered into and the costs incurred during the period reported on and the activities to be undertaken in the next fiscal year and the estimated costs thereof.

SEC. 5. (a) Other than the costs and responsibilities established by this Act for the project, nothing in this Act shall be construed as affecting any rights, obligations, or liabilities of the commercial operator of the Center, the State, or any person, as is appropriate, arising under the Atomic Energy Act of 1954 or under any other law, contract, or agreement for the operation, maintenance, or decontamination of any facility or property at the Center or for any wastes at the Center. Nothing in this Act shall be construed as affecting any applicable licensing requirement of the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974. This Act shall not apply or be extended to any facility or property at the Center which is not used in conducting the project. This Act may not be construed to expand or diminish the rights of the Federal Government.

(b) This Act does not authorize the Federal Government to acquire title to any high level radioactive waste at the Center or to the Center or any portion thereof.

SEC. 6. For purposes of this Act:

(1) The term "Secretary" means the Secretary of Energy.

(2) The term "Commission" means the Nuclear Regulatory Commission.

(3) The term "State" means the State of New York.

Reports and other information to Commission.

Consultation with EPA and others.

Appropriation authorization. 42 USC 2021a note.

Report to Speaker of the House and President pro tempore of the Senate. 42 USC 2021a note.

42 USC 2021a note.

42 USC 2011 note.

42 USC 5801 note.

Definitions. 42 USC 2021a note.

(4) The term "high level radioactive waste" means the high level radioactive waste which was produced by the reprocessing at the Center of spent nuclear fuel. Such term includes both liquid wastes which are produced directly in reprocessing, dry solid material derived from such liquid waste, and such other material as the Commission designates as high level radioactive waste for purposes of protecting the public health and safety.

(5) The term "transuranic waste" means material contaminated with elements which have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and which are in concentrations greater than 10 nanocuries per gram, or in such other concentrations as the Commission may prescribe to protect the public health and safety.

(6) The term "low level radioactive waste" means radioactive waste not classified as high level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e. (2) of the Atomic Energy Act of 1954.

42 USC 2014.

(7) The term "project" means the project prescribed by section 2(a).

(8) The term "Center" means the Western New York Service Center in West Valley, New York.

Approved October 1, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1100, pt. I (Comm. on Science and Technology) and pt. II (Comm. on Interstate and Foreign Commerce), both accompanying H.R. 6865.

SENATE REPORT No. 96-787 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):

June 12, considered and passed Senate.

Sept. 15, H.R. 6865 considered and passed House; passage vacated and S. 2443, amended, passed in lieu.

Sept. 17, Senate concurred in House amendment with amendments; House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 40:
Oct. 1, Presidential statement.