



**New York State
Energy Research and Development Authority**
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July 10, 1980

William J. Dircks,
Director
Office of Nuclear Materials
Safety and Safeguards
United States Nuclear Regulatory
Commission
Washington, D. C. 20555

Re: Docket No. 50-201

Dear Mr. Dircks:

We have carefully reviewed and considered your letter of June 26, 1980 concerning the Nuclear Regulatory Commission ("NRC") program for inspection and evaluation of facilities for the storage of high-level liquid nuclear wastes at the Western New York Nuclear Service Center ("Center") in West Valley, New York. You can be assured of our enthusiastic support and full cooperation to achieve the expeditious completion of the program.

More than two years ago the NRC-commissioned report entitled "Safety Related Information Available on NFS Waste Tanks" recommended that certain studies be undertaken to determine the safety, integrity and condition of the liquid high-level waste storage facilities at the Center. In November 1978, NRC requested that Rockwell International ("Rockwell") prepare a proposal and plan to inspect the liquid high-level waste storage tanks at the Center. Further, NRC requested that Nuclear Fuel Services, Inc. ("NFS"), the licensed operator of the Center, evaluate and test certain components of the high-level waste storage system. When NFS performed these tests it was discovered that instruments, piping and other elements of the waste storage system were defective. As you note in your June 26 letter, most importantly, NFS discovered that there is a leak in the pan designed to contain any high-level radioactive wastes which might leak from one of the

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waste tanks. Upon learning of these tests results, we advised NFS that, under the agreements between us concerning operation of the Center, it was obligated to promptly repair and correct each defect in the waste storage system, including the pan-leak. Although NFS has taken certain corrective action it has failed to repair the pan-leak. As a result, we have advised NFS that it is in default of its obligations under our agreements.

We too are concerned with the condition of the facilities for storage of high-level liquid nuclear wastes at the Center. Our concern has been heightened by the fact that NFS's inquiry into such condition resulted in finding numerous defects. Since one of the barriers to the release to the environment of high-level radioactive wastes from the waste tanks at the Center has been breached, it is critical that the integrity of the remaining barriers -- the tank itself and the concrete vault -- be affirmatively established.

You should be aware that, under the provisions of our Lease with NFS, it has the "exclusive use and occupancy" of the portion of the Center devoted to the storage of high-level liquid nuclear wastes. Accordingly, while we wish to be supportive and helpful, we do not have the power to authorize Rockwell to perform its evaluation of the waste tank system. Under the Lease, such power rests solely with NFS. Under the terms of our agreement, NFS is, however, required to comply with the directions and requirements of all governmental authorities. Therefore, we support NRC efforts to direct NFS to allow the expeditious evaluation of the waste storage facilities at the Center without the imposition of onerous and unreasonable conditions designed to obstruct such evaluation.

I understand that a meeting among representatives of NRC, NFS and this Authority will be held on July 17, 1980 to discuss this matter. As noted above, you can be assured of our full cooperation and support.

Very truly yours,

James L. Larocca
James L. Larocca
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