U.S. NUCLEAR REGULATORY COMMISSION

SAFETY EVALUATION REPORT

RELATED TO

AMENDMENT NO. 31

TO FACILITY OPERATING LICENSE CSF-1

DIVISION OF FUEL CYCLE AND MATERIAL SAFETY

SEPTEMBER 1981

I. FINDING OF NO SIGNIFICANT HAZARDS CONSIDERATION

Introduction

The West Valley Demonstration Project Act of 1980 (the Act), Public Law No. 96-368, authorized the Department of Energy to carry out a high-level liquid nuclear waste management project at the Western New York Nuclear Service Center (the Center) in West Valley, New York. In accordance with Section 2(b)(4)(A) of the Act, the State of New York "will make available to the Secretary [of the Department of Energy] the facilities of the Center and the high level radioactive waste at the Center which are necessary for the completion of the project."

In addition, the Department of Energy and the State of New York were required [Sec. 2(b)(4)(D)] to submit an application jointly for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.

On August 14, 1981 the Energy Research and Development Authority (ERDA) of the State of New York, joined by the U.S. Department of Energy (DOE), submitted an application for amendment of Facility License No. CSF-1 to provide for the West Valley Demonstration Project Act at the Western New York Nuclear Service Center.

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Consideration of Criteria

As provided by 10 CFR § 50.91, the U.S. Nuclear Regulatory Commission (the Commission) determines, before acting thereon, whether a proposed amendment to a facility license involves a significant hazards consideration. In making this determination, it is appropriate to consider whether operation of the facility would (1) involve a significant increase in the probability of consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in a margin of safety. If the Commission reaches a negative conclusion on all criteria set forth in (1),(2), and (3) above, the proposed amendment may be considered to involve no significant hazards consideration.

It should be noted, first, that the proposed amendment would authorize transfer of the facility, but not operation of the facility by DOE (which is exempt from licensing). Therefore, there is no need to evaluate the hazards associated with operation during the period when the facility is in DOE's possession and control. This conclusion is consistent with the provisions in Section 2(c) of the Act that Commission review with respect to the project shall not include formal licensing procedures under the Atomic Energy Act.

Each of the three criteria above may first be considered in relation to the period when the facility is in the possession of DOE. During that time, the licensees are not authorized to take any action under the license. All activities will be conducted by DOE. Since no activities will be taken under the authority granted by the license, no type of accident could occur as a result of licensed activities. Therefore, with respect to the period of license suspension during which DOE will be in possession of the facility, all three of the above criteria are met and the proposed amendment may be considered to involve no significant hazards consideration.

Upon resumption of activities under the license, following completion of the project by the Department of Energy in conformance with the Act, the most important safety-related aspect at the site, the continued care of the liquid high-level waste, will no longer exist. As set forth in the Act in Section 2(a), the high-level waste will have been solidified in containers suitable for permanent disposal and transported to a Federal repository for permanent disposal. At least parts of the facility will have been decontaminated and decommissioned by the Department of Energy.

Again considering the criteria stated above, (1) there will be a decrease in the probability or consequences of the accidents previously evaluated (there will be no possibility for an accident involving liquid high-level waste), (2) there will be no possibility of creating a type of accident different from those presently evaluated because the project facilities will have been decontaminated and decommissioned, and (3) the margins of safety would have been increased, rather than reduced, since the liquid high-level waste would no longer require management.

Therefore, upon resumption of the license the three criteria are met and the proposed amendment may be considered to involve no significant hazards consideration.

The staff also has considered Paragraph 7.E.(2) of the license amendment, which states that "the licensees, as their respective interests under this license appear, shall...

> "(2) make timely submissions to the Commission, in anticipation of the completion of the project, as may be required by the Commission to determine such technical specifications and their provisions."

By this provision the staff has assured that prior to the reacquisition of the site all safety concerns will have been considered and properly evaluated for the protection of the health and safety of the public.

Conclusions

Based on the above discussion, the staff has concluded that the issuance of Amendment No. 31 to Facility License No. CSF-1 involves no significant hazards consideration.

II. FURTHER FINDINGS

In accordance with 10 CFR §50.91, the staff further concludes that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public. In arriving at this conclusion, the staff has taken into consideration, in addition to the evaluation above, the license amendment provision which expressly constrains the licensee from taking any actions which in DOE's judgment may inhibit or prevent DOE from discharging safety and security responsibility.

In accordance with 10 CFR § 51.5(d)(4), no environmental report, environmental impact appraisal or assessment, negative declaration or finding of no signficant impact or environmental impact statement is required with respect to the issuance of the license amendment.

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