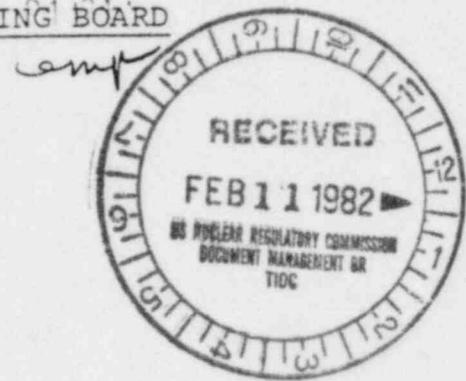


DOCKETED
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
NUCLEAR FUEL SERVICES INC.,)
)
AND)
)
NEW YORK STATE ENERGY RESEARCH)
AND DEVELOPMENT AUTHORITY)
)
(Western New York Nuclear)
Service Center))
)

Docket No. 50-201 OLA

DOE RESPONSE TO ASLB MEMORANDUM AND ORDER
DIRECTING THE FILING OF FURTHER INFORMATION AND ISSUES

The United States Department of Energy ("DOE" or "Department") hereby responds to the Licensing Board's Memorandum and Order Directing the Filing of Further Information and Issues dated December 31, 1981. That Memorandum and Order sets forth six questions for participants in this proceeding to answer.

As the Licensing Board is aware, the Department has been directed by Congress to perform a waste solidification demonstration project at West Valley, New York. Pub. L. 96-368, West Valley Demonstration Project Act, 42 U.S.C. 2021a note (Project Act). Pursuant to the Project Act, the Department joined in a license amendment application submitted by the

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New York State Energy Research and Development Authority (NYSERDA) on August 18, 1981. In response to that application, the Commission issued the license amendment (Change No. 31) at issue in this hearing.

As the Board is aware, the Project Act was enacted in part to demonstrate that liquid high-level radioactive waste resulting from commercial reprocessing can be adequately dealt with. See, e.g., H.Rept. No. 96-1100, Part I 96th Cong. 2d Sess. at 7; H. Rept. No. 96-1100, Part II 96th Cong. 2d Sess. at 13-14. The timetables set forth in Section 2 of the Project Act amply demonstrate Congress' sense of urgency in getting this Project started. Both the Department and the Commission completed all actions necessary to initiate the project in a timely manner. The Department has been prepared to accept transfer of the West Valley facility since October 14, 1981. The public interest is not well served by the continued delay in the commencement of this clean-up project.

Almost four months have passed since NYSERDA and NFS were notified that the Department was prepared to assume possession of the West Valley facility. In addition, almost six years have passed since NFS notified NYSERDA of its intent to surrender all wastes at West Valley. NFS and NYSERDA have had those six years to work out their differences. NFS and NYSERDA are now permitting a dispute between them to delay commencement of a project they both lobbied hard for

in Congress. Consequently, the clear intent of Congress to get on with this project is being frustrated by self-serving intransigence on the parts of both NPS and NYSERDA.

In the Memorandum and Order Directing the Filing of Further Information and Issues, the Board permitted the Department to file answers to any of the six questions posed. As a prospective limited participant in this hearing, we have elected to respond to questions 3, 4 and 5.

Question 3

Set forth the issues, with reasonable specificity and basis (See 10 CFR § 2.714), which the participants seek to litigate in this proceeding. For each issue, indicate whether it is solely a legal issue or whether the presentation of evidence is necessary or desirable (and if so, set forth the nature of the evidence which the participant would adduce). In addition, for each issue, the proponent shall indicate the nexus of the issue to the license amendment (change no. 31) issued by the NRC Staff.

Answer 3

DOE has requested status as a limited participant in this proceeding in order to assist the Licensing Board in

assessing the legal sufficiency of Change No. 31 to license No. CSF-1. Specifically, the Department wishes to identify important public interest considerations inherent in this proceeding.

Our review of the five issues raised in NFS' response to question 3 (NFS Answer, pp. 7-12) has confirmed our initial belief that there are no issues of fact to be adjudicated in this proceeding. Notwithstanding the strained analysis NFS gives to its issues, we see no issues that cannot be decided as a matter of law.

First, NFS alleges that the transfer violates NRC regulations with respect to DOE's exempt status under 10 C.F.R. §50.11. Even as characterized by NFS, it is clear that this is solely a legal issue, requiring only an examination of Change No. 31 and argument on the scope and interpretation of NRC regulations.

Contrary to the Licensing Board's Question 3, NFS does not specify the "nature of the evidence" that it will adduce on this issue. NFS does say generally that, with respect to the first three issues, "evidence will be required concerning the scope of the project activities, DOE's plan for conducting those activities, and the role of the NRC during the course

of the project." (NFS Answer, p. 11). Why this evidence will be required NFS does not say, and DOE sees no apparent reason why it would contribute to a resolution of this question.

In the second issue raised, NFS alleges that the transfer provides for an unlawful delegation of NRC's regulatory jurisdiction to DOE. Resolution of this issue only involves a legal argument concerning the construction of the Atomic Energy Act and the Energy Reorganization Act of 1974. Again, NFS does not specify what evidence would be adduced on this issue, and it is not apparent what that evidence could be.

Third, NFS alleges that the transfer would violate a licensee's alleged right to operate under a clearly defined regulatory standard. Again, DOE believes that this allegation can and should be resolved solely on the basis of legal argument, and does not require presentation of any facts.

Fourth, NFS alleges that NRC has no authority to suspend the Price-Anderson Indemnity Agreement with NFS, that such suspension is a unilateral modification of the indemnification contract, and that it is unclear what, if any, indemnification coverage would be provided NFS under DOE's indemnity agreement with its contractor. These issues involve statutory interpretation

and possible interpretation of implementing regulations, as well as to reference DOE's indemnity agreement with its contractor. Certainly with respect to the first two items, no evidence need be introduced. However, DOE agrees that a limited amount of evidence may need to be adduced on NFS' potential liability and the source and extent of any indemnity coverage.

Finally, NFS alleges that the license amendment "conflicts with and violates" the West Valley Project Act (NFS Answer, p. 10). It contends that the only way for the State to transfer possession is to first accept surrender of NFS' rights as licensee. DOE believes that this issue requires only the legal interpretation of the Project Act, Change 31, and the applicable NRC regulations, and that no extrinsic evidence need be adduced.

Should the Board conclude that some limited factual presentation is necessary, DOE believes that such facts are obtainable through stipulations as contemplated in 10 C.F.R. § 2.752. (See, answer to question 5, infra).

Question 4

Is this Board precluded from inquiry into DOE's conduct of the West Valley Demonstration Project where such inquiry is not for the purpose of regulating or licensing DOE activities, but rather is incidental to a determination of the present and future rights and responsibilities of NFS?

Answer 4

The Board is precluded from an "inquiry into DOE's conduct of the West Valley Demonstration Project", whether or not such inquiry is "for the purpose of regulating or licensing DOE's activities...." NRC review and consultation concerning the Project is governed by the Memorandum of Understanding, effective September 23, 1981 (Attachment A), as mandated by section 2(c) of the Project Act. The Memorandum of Understanding provides that NRC review and consultation "shall not be subject to formal Commission procedures or actions required by law for licensed activities". West Valley Demonstration Project, Memorandum of Understanding Between the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission, paragraph II.B.1.

In addition to the requirements of the Project Act, the Commission lacks the authority to exercise regulatory jurisdiction over this DOE demonstration project because the Commission's regulatory authority over DOE activities is limited to those facilities prescribed by section 202 of the Energy Reorganization Act of 1974. 42 U.S.C. §5842. */

*/ Section 202 provides:

"Notwithstanding the exclusions provided for in section 110a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Regulatory Commission shall, except as otherwise specifically provided by section 110b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority

The West Valley Project -- a high-level radioactive waste solidification demonstration -- clearly does not involve any of the four types of facilities delineated in section 202. Therefore, even if the Project Act had not expressly limited NRC's regulatory authority over the Project, NRC would still not otherwise have authority to permit the Board to conduct an inquiry into DOE's conduct of the Project.

Footnote continued from previous page.

pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

"(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of and electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

"(2) Other demonstration nuclear reactors -- except those in existence on the effective date of this Act -- when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

"(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act.

"(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration which are not used for, or are part of, research and development activities.

Contrary to NFS's position, DOE perceives no distinction in the fact that the purpose of the Board's inquiry would be incidental to determining the present and future rights and responsibilities of NFS. As NFS correctly notes, the Board "certainly has authority from the Commission to consider the factors relevant to [the] issues". (NFS Answer, p.13). However, Congress has concluded that DOE's conduct of the project is not relevant for purposes of the NRC review, and Congress provided no qualification of this preclusion, even where the "rights and responsibilities of NFS" are concerned.

Nevertheless, the Department will be pleased to provide to the Board existing publicly available documentation describing the Project as the Board may require. Although DOE does not believe such an inquiry is necessary, this documentation could be submitted for the purpose of permitting the Board to examine DOE's preliminary plans for the Project to assist in analyzing alleged rights and responsibilities of NFS.

Question 5

Would a prehearing conference be useful, as suggested by the Staff, after the responses to this order are filed? Are there issues which should be briefed in advance of a prehearing conference?

Answer 5

A prehearing conference to obtain a stipulation as to the facts would be useful if the Board concludes that some limited examination of facts is necessary to resolve the issues before it.

Respectfully Submitted,

R. Tenney Johnson

by: Gregory H. Fess

Gregory Fess

Warren E. Bergholz, Jr.

Office, Louisa County Courthouse, Louisa, Virginia 23063 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 5th day of November, 1981.

For the Nuclear Regulatory Commission,
Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing

PR Doc. 81-33442 Filed 11-18-81; 8:48 am

BILLING CODE 7589-01-8

**Memorandum of Understanding
Between the Nuclear Regulatory
Commission and the Department of
Energy; Implementation of the West
Valley Demonstration Project Act of
1980**

The Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) have entered into a Memorandum of Understanding concerning the Western New York Nuclear Service Center (the Center) at West Valley, New York. This Memorandum establishes procedures for review and consultation by the NRC with respect to activities at the Center under the West Valley Demonstration Project Act of 1980.

The text of this Memorandum is set out below.

**WEST VALLEY DEMONSTRATION
PROJECT, MEMORANDUM OF
UNDERSTANDING BETWEEN THE U.S.
DEPARTMENT OF ENERGY AND THE
U.S. NUCLEAR REGULATORY
COMMISSION**

Memorandum of Understanding West
Valley Demonstration Project

I. Purpose and Scope

This Agreement, mandated by the West Valley Demonstration Project Act of 1980, (the Act), Pub. L. No. 96-368, establishes procedures for review and consultation by the U.S. Nuclear Regulatory Commission (NRC) with respect to activities conducted at the Western New York Nuclear Service Center, West Valley, New York (the Center) by the U.S. Department of Energy (the Department) under the Act. This agreement encompasses those development, design, construction, operation, and decontamination and decommissioning activities that are associated with the project as described in the Act.

II. Responsibilities of Parties

A. Department of Energy

1. The Act directs the Department to carry out a high-level radioactive waste management demonstration project (the project) at the Center. Under the Act, the Department is responsible for demonstrating the solidification and preparation of the liquid high-level radioactive wastes stored at the Center in a form suitable for transportation and disposal. The Department has responsibility for the public health and safety associated with this project. The Department agrees to provide the NRC information required to identify any potential radiological danger to public health and safety and to provide access to the Center to NRC for the monitoring of project activities to further assure the public health and safety from a radiological standpoint.

2. The Department's Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs, or his successor, is responsible for ensuring the implementation of the terms of this Agreement. The Department's West Valley Project Manager (Project Manager) will be the Department's point of contact for all communications relating to carrying out the provisions of this Agreement. The Department's Project Manager will coordinate all interactions with the NRC and, on a timely basis, provide the NRC the information, reports, and access as provided in this Agreement. The Department's Project Manager will consult with the NRC on matters within the scope of this Agreement. This consultation includes the exchange of information and opinion, in person, and in writing, between personnel of both the Department and the NRC.

B. Nuclear Regulatory Commission

1. The Act requires that the Department enter into an agreement with the NRC to establish arrangements for review and consultation by the NRC with respect to the project. The review and consultation shall be conducted informally and, in accordance with the Act, shall not be subject to formal Commission procedures or actions required by law for licensed activities. The NRC review, consultation, and monitoring established by this Agreement will provide the Department with independent analyses to assist the Department in fulfilling its responsibility for public health and safety. The NRC has the responsibility to carefully review, critique, and analyze, in a timely manner, the information provided to identify to the Department any potential radiological danger to the public health

and safety which may be presented by the project.

2. The NRC's Director of Nuclear Material Safety and Safeguards (NMSS), or his successor, is responsible for ensuring the implementation of the terms of this Agreement. The NRC's West Valley Project Manager (Project Manager) will be the NRC point of contact for all communications relating to carrying out the provisions of this Agreement. NMSS, or any office to whom its functions may be transferred, is responsible for reviewing, consulting with respect to, and commenting upon project activities to identify any potential radiological danger to the public health and safety. The NRC's Project Manager will receive and coordinate the review of project information submitted by the Department. The NRC's Project Manager will provide the Department with comments as appropriate or required by this Agreement. The NRC's Project Manager will consult with the Department on matters within the scope of this Agreement. This consultation includes the exchange of information, opinion and advice, in person and in writing, between personnel of both the Department and the NRC.

III. Agreements Between Parties

A. General Provisions

1. The purpose of this Agreement is to promote the timely and orderly completion of the project mandated by the Act with due regard for the public health and safety. Essential to this timely and orderly completion is a relationship between the agencies marked by open and candid communications at all levels and prompt resolution of any issues which may arise.

2. Insofar as practicable, the NRC agrees to receive and use information and reports developed in the course of the Department's routine operations, and in accordance with Department administrative rules, regulations, procedures and orders which apply to its management and control of the project. The Department will, however, provide the NRC such additional information as the NRC may require to identify any potential radiological danger to the public health and safety which may be presented by the project. To the extent not subject to the exemptions contained in 5 U.S.C. 552(b), information or reports required under this agreement to be submitted by the Department to the NRC, for review and any comments provided by the NRC to

the Department in response thereto, shall be available for public inspection.

3. NRC comments resulting from its review and consultation will be discussed between the respective Project Managers and confirmed in writing. The Department will inform the NRC in writing of the disposition of such comments upon NRC's request.

4. Should an activity be identified by NRC as posing an immediate radiological threat to public health and safety, the NRC's Director, NMSS, will so notify the Department's Project Manager. The Department will promptly review the activity and take appropriate action. The NRC and the Department agree that a high priority will be given such resolutions.

5. The Department will transport, in accordance with applicable provisions of law, the waste solidified at the Center to an appropriate Federal repository for permanent disposal.

6. The Department will, in accordance with applicable licensing requirements, dispose of low-level radioactive and transuranic waste produced by the solidification of the liquid high-level waste under the project.

7. For those portions of the Center in the possession of the Department which are not used in connection with the project, the Department will provide the Commission information to identify any potential radiological danger to the public health and safety and access to monitor the activities.

8. To the extent that detailed working procedures are necessary to implement the provisions of the Act and of this Agreement, the Department and the NRC agree to establish such procedures by the exchange of letters between the Department's Project Manager and the NRC's Chief, Advanced Fuel and Spent Fuel Licensing Branch, or his successor.

9. If an issue should arise which cannot be promptly resolved between Project Managers, the NRC and the Department agree to refer the matter to appropriate management levels for resolution.

10. Nothing in this Agreement shall derogate from the statutory authority of the Department or the NRC.

B. Specific Provisions

1. *Waste Solidification, Disposal, and Decontamination Plan (the Project Plan).* a. The Department will submit to the NRC, for review and comment, a plan for the solidification of the high-level 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 used in solidifying the waste.

Before the submission of the plan, the Department may consult with the NRC, in person or in writing, with respect to the development of such plan or any issues that may be presented by it, including decisions which the Department proposes to make in accordance with the process contemplated by the National Environmental Policy Act. NRC will respond to a Department request for such consultation, in person or in writing, as the case may be.

b. The Project Plan will contain the level of detail generally associated with conceptual design of structures, systems and components. As the project continues and more precise information is developed, that information will be submitted to the NRC prior to the beginning of project activities for which the information is relevant.

c. The Project Plan will be submitted as soon as practicable prior to major construction or modification of structures, systems and components at the project facilities. The Project Plan will discuss the Department's approach for the conduct of the project by describing what is going to be done and how it will be accomplished, and will include:

(1) A description of what is to be developed, constructed, or used including the major systems or elements of the project and facilities, whether existing, modified, or new.

(2) A description of the status of technology for implementing the project including a description of any ongoing or planned supporting development work upon which the project is dependent.

(3) A description of the specific scientific, technological, or engineering approaches or processes to be used in meeting the project objectives.

(4) A preliminary project schedule and a description of each phase of the project including the work to be accomplished and products developed, including major project events, technical activities, and decision points.

d. Upon submission of the Project Plan to the NRC, the Department will publish in the Federal Register a notice of the submission and the plan's availability for public inspection.

e. The NRC will review the Plan and provide written comments to the Department. In preparing its comments, the NRC will specify with precision its objection to any provision of the plan.

f. Upon receipt of Commission comments, the Department will publish in the Federal Register a notice of receipt and of the availability of the comments for public inspection.

g. If the Department does not revise the plan to meet objections specified in

the Commission's comments, the Department will so notify the Commission and publish in the Federal Register a detailed statement for not so revising the plan.

h. The Department will inform the Commission of significant changes in the plan as the project proceeds.

2. *Waste Form and Containers.* a. The Department will consult with the NRC with respect to the form in which the high-level radioactive waste at the Center will be solidified and with respect to the containers to be used in the permanent disposal of this waste.

b. As the basis for this consultation, the Department will provide the NRC a description and an analysis of the extent to which the final waste form and container complies with any NRC technical regulations (or proposed regulations) regarding disposal of high-level radioactive waste in geologic repositories.

c. Upon receipt the NRC will review the information and provide written comments and recommendations to the Department. As a basis for its comments and recommendations, the NRC will use any technical criteria issued with respect to the waste form and containers that may be employed in geologic repositories that are subject to the licensing jurisdiction of the NRC.

3. *Safety Analysis Reports and Other Information.* a. Before substantial construction or modification of structures, systems or components, the Department will prepare a safety analysis report (SAR) that will assure that: (1) Potential hazards are systematically identified; (2) potential impacts are analyzed; and (3) reasonable measures to eliminate, control or mitigate the hazards have been taken. The Department will submit the SAR to the NRC for independent review. The SAR will contain design descriptions, safety operating limits, and minimum conditions for operation.

The safety analysis will address in appropriate detail the following topics: (1) A description and evaluation of the project facilities and processes; (2) design criteria for systems, components, and structures; (3) normal and emergency operating procedures to be used; (4) identification of hazards; (5) physical design features and administrative controls provided to prevent or mitigate potential accidents; (6) potential accidents and consequences including those resulting from natural phenomena; (7) operational limitations; and (8) means for controlling effluents and minimizing radiation exposures.

A quality assurance plan and a safeguards and security plan will be prepared by the Department and provided to the NRC with the SAR or in advance of the SAR if they are available earlier.

b. Before solidification of the waste, the Department will provide to the NRC information updating the SAR which will describe the project facilities as actually constructed or modified where such construction or modification does not conform to the description contained in the SAR. The SAR updates will address changes in design, safety operating limits, and minimum conditions for operation and will be similar in form to the SAR.

4. *Decommissioning and Decommissioning.* a. The Department will perform an analysis of impacts and risks of potential disposition modes for the tanks and other facilities of the Center in which the high-level radioactive waste solidified under the project was stored, and facilities, material, and hardware used in connection with the project. The NRC and Department project managers will consult on requirements and disposition modes to be analyzed.

b. Upon receipt of the Department analysis, the NRC will prescribe decontamination and decommissioning (D&D) requirements in accordance with the Act.

c. The Department will prepare a Project Decommissioning Plan which includes a description of engineering and operating activities to be performed. This plan will be reviewed by the NRC and comments provided to the Department. The Department will review and consider the comments provided prior to initiation of D&D operations.

d. The Department will prepare a Site Status Report. The report will provide:

- (1) A statement of the D&D requirements prescribed by NRC and an analysis of the extent to which such requirements have been satisfied for those portions of the Center required to be decontaminated and decommissioned by the Act; and
- (2) A description of those portions of the Center in the possession of the Department with particular reference to physical and radiological conditions.

5. *Monitoring.* a. The Department will afford the NRC such access as necessary to monitor project activities to further assure the public health and safety. The NRC will use the descriptions, operating limits, minimum conditions, and technical specifications included in the SAR as the criteria for conduct of its monitoring program.

The monitoring results will be discussed between the respective Project Managers and provided to the Department in the form of a written monitoring report. The Department will inform the NRC in writing of the disposition of such comments upon NRC's request.

b. *Records Examination.* For the purposes of further assuring the public health and safety, the Department will make available to the NRC for examination and copying, upon reasonable notice, records kept by the Department pertaining to the project.

IV. Effective Date

This agreement shall take effect upon the signing by the Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs of the U.S. Department of Energy, and the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, and shall continue in effect until revised by mutual agreement unless terminated by either party, for good cause, upon 120 days notice in writing.

For the United States Department of Energy.

Sheldon Meyers.

Dated: September 22, 1981.

For the United States Nuclear Regulatory Commission.

John C. Davis.

Dated: September 23, 1981.

Dated at Silver Spring, Maryland, this 13th day of November, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse.

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

(FR Doc. 81-32439 Filed 11-18-81; 8:45 am)
BILLING CODE 7580-01-06

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

November 11, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also

considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)

The office of the agency issuing this form

The title of the form

The agency form number, if applicable

How often the form must be filled out

Who will be required or asked to report

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected

Whether small businesses or organizations are affected

A description of the Federal budget functional category that covers the information collection

An estimate of the number of responses

An estimate of the total number of hours needed to fill out the form

An estimate of the cost to the Federal Government

An estimate of the cost to the public

The number of forms in the request for approval

An indication of whether Section 3504(h) of Pub. L. 96-511 applies

The name and telephone number of the person or office responsible for OMB review and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
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NUCLEAR FUEL SERVICES INC.,)
 AND)
NEW YORK STATE ENERGY RESEARCH)
AND DEVELOPMENT AUTHORITY)
)
(Western New York Nuclear)
Service Center))
_____)

Docket No. 50-201 OLA

CERTIFICATE OF SERVICE

I certify that copies of the DOE Response to ASLB Memorandum and Order Directing the Filing of Further Information and Issues in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 8th day of February, 1982:

Lawrence Brenner, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Peter A. Morris
Administrative Judge
Atomic Safety and Licensing Board
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Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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Gregory Fess

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U.S. Department of Energy
Room 6H087, GC-23
Washington, D.C. 20585

Dated: February 8, 1982
Washington, D.C.