



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 13, 1982

Lawrence Brenner, Esq.
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
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Dear Administrative Judges:

Enclosed is a copy of a SIERRA CLUB LETTER CONCERNING DRUMS, dated July 14, 1982, and a copy of the NRC ACKNOWLEDGMENT thereto, dated July 28, 1982. These documents are provided for the information of the Board and parties, in accordance with Note 2 of the Board's December 31, 1981 Memorandum and Order Directing the Filing of Further Information and Issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Wolf", is written over the word "Sincerely".

James R. Wolf
Counsel for NRC Staff

Attachments:
As stated

DS07

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-201 OLA

Warren E. Bergholz, Jr., Esq.
Office of the General Counsel
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20587

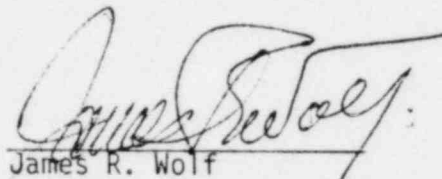
Irwin D.J. Bross, Ph.D.
Director of Biostatistics
Roswell Park Memorial Institute
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Docketing and Service Section *
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel *
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Panel *
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



James R. Wolf

Counsel for NRC Staff

JUL 28 1982

Distribution: Original concurrence
to be returned to FBrown SS 396

Docket File 50-201

NMSS R/F

FCAF R/F

PDR

LPDR (2)

/JWolf

RECunningham

DRChapell

LCRouse

JRoth, Reg I

IE Reg I

RBoyle

ATClark

LA File

Docket No. 50-201

Sierra Club Radioactive Waste Campaign

ATTN: Ms. Lisa Finaldi and

Ms. Diane D'Arrigo

78 Elmwood Avenue

Buffalo, New York 14201

Gentlemen:

This is to acknowledge the receipt of your letter, dated July 14, 1982, concerning drums found at the Western New York Nuclear Service Center at West Valley. In accordance with your request, the information supplied in your letter has been appended to your petition regarding Change No. 32 to Provisional Operating License No. CSF-1.

Sincerely,

Original Signed by
Richard E. Cunningham

Richard E. Cunningham, Director
Division of Fuel Cycle and
Material Safety
Office of Nuclear Material Safety
and Safeguards

~~6208130326~~

78 Elmwood Avenue • Buffalo, New York 14201 (716) 884-1000

255 Grove Street • White Plains, New York 10602 (914) 949-9700

July 14, 1982

Richard Cunningham, Director
Division of Fuel Cycle Material Safety
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

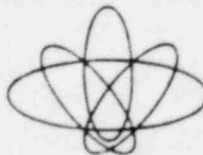
Dear Mr. Cunningham:

It has been brought to the attention of the Sierra Club Radioactive Waste Campaign that approximately three dozen drums (55- and 110-gallon) have been found over one half mile south of the state and NRC licensed burial grounds at the West Valley Nuclear Services Center, West Valley, New York. One of the drums was placarded "Nuclear Fuel Services, West Valley, NY, Radioactive Material," DOT #SP 5061 18/16 110-69." The drums were in very poor condition, breached and rusted throughout. Most appeared to be empty, and an undetermined amount were under water. Some of the drums were smashed and broken into pieces.

Although the New York State Department of Health in Buffalo (William O' Brien) has found the radiation levels not significantly greater than background, there are several unanswered questions regarding the drums which need to be addressed. The Club is deeply concerned about the possible legal ramifications this finding may have on the agreement between NFS and the New York State Energy Research and Development Authority regarding the responsibilities at the site. This incident represents a serious violation of the original license NFS held with New York State. For this reason, the Club would like to append this information to its petition to the NRC requested on March 26, 1982 regarding the license change #32 to NRC license no. CSF-1.

The following questions must be answered before all NFS's liabilities can be determined.

- 1) When, why, how and by whom were these drums originally dumped?
- 2) Why are they situated one half mile south of the facility's "exclusion area?"
- 3) Did or do the drums contain radioactive material or were any of them radioactive themselves? What was the level of radioactivity measured at the drums in cpm or mR/hr.?



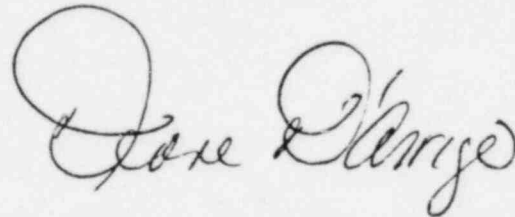
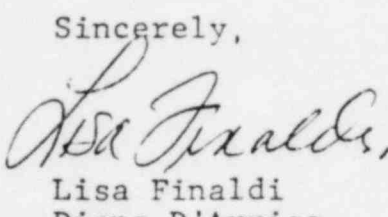
sierra club
radioactive waste
campaign

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- 4) Has radioactivity migrated into the creek or its surrounding soil from these drums?
- 5) Are additional drums buried or dumped in the area outside the exclusion area?
- 6) What documentation is there to identify these drums and their past use?
- 7) What action will the NRC take if this is indeed a violation of the NFS license?

We look forward to your prompt response regarding this finding. Thank you for your prompt attention to this important matter.

Sincerely,



Lisa Finaldi
Diane D'Arrigo
Campaign Staff

enclosure (NRC only)

CC: William O'Brien, NY DOH
John Davis, NRC
Marvin Resnikoff, Sierra Club
Mina Hamilton, Sierra Club
Carol Mongerson, Coalition on West Valley Nuclear Wastes
James Turi, US DOE
Ted DeBoer, NYSERDA
Karin Sheldon, SCLDF