



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

May 15, 1980

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~~J. D. ...~~

MEMORANDUM FOR: Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Hendrie
Commissioner Bradford

FROM: Carlton Kammerer, Director *[Signature]*
Office of Congressional Affairs

SUBJECT: ENERGY COMMITTEE REPORTS S. 2443

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The Senate Committee on Energy and Natural Resources favorably reported S. 2443, as amended, on May 14, 1980. S. 2443 authorizes 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.

Attached for your information is a copy of the bill and the McClure (R-ID) amendment which the Committee accepted.

- cc: EDO
- OGC
- OPE
- SECY
- ✓ NMSS
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Handwritten: There is a McClure Amendment (attached).

96TH CONGRESS
2D SESSION

S. 2443

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.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, JANUARY 3), 1980

Mr. MOYNIHAN (for himself and Mr. JAVITS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "West Valley Demonstra-
4 tion Project Act".

5 SEC. 2. (a) The Secretary of Energy (hereinafter in this
6 Act referred to as the "Secretary") shall carry out, in accord-
7 ance with the provisions of this Act, a high-level liquid nu-

1 clear waste management demonstration project at the West-
2 ern New York Service Center in West Valley, New York
3 (hereinafter referred to as "the project"). The Secretary shall
4 carry out the project by vitrifying the high-level liquid
5 nuclear wastes located at such Center or by employing the
6 most effective technology for solidification available. The
7 Secretary shall, as part of the project, also (1) as soon as
8 feasible transport such solidified wastes, in accordance with
9 applicable provisions of law, to an appropriate Federal re-
10 pository for long term burial, and (2) decontaminate and de-
11 commission facilities, materials, and hardware used in con-
12 nection with the project.

13 (b) During the fiscal year ending September 30, 1980,
14 the Secretary shall—

15 (1) prepare a plan for safe removal of such wastes
16 from tank numbered 8D-2 and any other storage tank
17 at the Center containing such wastes including safely
18 breaching the tanks, operating waste removal equip-
19 ment, and sluicing techniques,

20 (2) determine the feasibility of immobilization and
21 waste handling techniques required by the unique situ-
22 ation of such wastes at the Center, including initiation
23 of detailed engineering and cost estimates as well as
24 safety analyses and environmental impact analyses,
25 and

*Agreement w/ NY public grant to provide
conduct a demo w/ transfer of title
for full*

1 (3) title to the high level liquid wastes at the
2 Center shall be transferred to the United States upon
3 payment by the State of New York and other appropri-
4 ate persons of an appropriate fee, as determined by the
5 Secretary, for the perpetual care and maintenance of
6 such wastes.

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technology
which can
be
included in
other water*

7 SEC. 3. There is authorized to be appropriated to the
8 Secretary not more than \$5,000,000 for the fiscal year
9 ending September 30, 1980, for the project. Funds author-
10 ized and appropriated in subsequent fiscal years for the proj-
11 ect shall not be used by the Secretary for such purpose until
12 the Secretary, the State of New York, and other appropriate
13 persons enter into such contracts and agreements as may be
14 required—

*D. Suburban
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- 15 (a) to provide for the transfer of title of such
- 16 wastes and the payment therefor,
- 17 (b) to enable the Secretary to utilize property and
- 18 facilities at the Center for the project,
- 19 (c) to share the costs of the project, except that
- 20 the non-Federal share of such costs shall be limited to
- 21 no more than 10 per centum thereof and in determin-
- 22 ing such share the Secretary shall consider the utiliza-
- 23 tion of such Center by the Secretary for the project,
- 24 the amount of money in the existing perpetual care
- 25 fund originally designated to provide, for ultimate dis-

1 position of the high-level liquid nuclear waste at the
2 Center, and such other factors as the Secretary deems
3 appropriate, and .

4 (d) to otherwise provide for the conduct of the
5 project in a timely manner.

6 SEC. 4. In carrying out the project, the Secretary shall
7 consult with the Nuclear Regulatory Commission, the Ad-
8 ministrator of the Environmental Protection Agency, the
9 Secretary of Transportation, the Director of the Geological
10 Survey, the State of New York, and the commercial operator
11 of the Center.

12 SEC. 5. Not later than February 1, 1981, and on Febru-
13 ary 1 of each calendar year thereafter during the term of the
14 project, the Secretary shall transmit to the Committee on
15 Science and Technology, the Committee on Interior and In-
16 sular Affairs, and the Committee on Interstate and Foreign
17 Commerce of the House of Representatives and the Commit-
18 tee on Energy and Natural Resources of the Senate an up-to-
19 date report containing a detailed description of the activities
20 of the Secretary in carrying out the project, including the
21 costs incurred, and the activities to be taken in the next fiscal
22 year and the costs thereof. Any contract or agreement ex-
23 ecuted under section 3 of this Act, together with summaries
24 thereof, shall be promptly transmitted to such committees for
25 their information and review.

1 SEC. 6. Other than the costs and responsibilities estab-
2 lished by this Act for the project, nothing in this Act shall be
3 construed as affecting any rights, obligations, or liabilities of
4 the commerical operator of the Center, the State of New
5 York, or any person, as is appropriate, arising under the
6 Atomic Energy Act of 1954 or under any other law, con-
7 tract, or agreement for the operation, maintenance, or decon-
8 tamination of any facilities or property at the Center or for
9 any wastes at the Center. Nothing in this Act shall be con-
10 strued as affecting any applicable licensing requirements of
11 the Atomic Energy Act of 1954 or the Energy Reorganiza-
12 tion Act of 1974. The provisions of this Act shall not apply
13 or be extended to any facilities or property at the Center
14 which is not used in conducting the project.

○

- () Referred to the Committee on -----
and ordered to be printed
- () Ordered to lie on the table and to be printed

INTENDED to be proposed by Senator McClure

Viz: Page 3, line 1 to 6, strike subsection 2(b)(3) and insert in lieu thereof the following,

2 "(3) Shall enter into a cooperative agreement with the State
3 of New York pursuant to "Federal Grant and Cooperative Agreement
4 Act of 1977", Public Law 95-224, to provide for the conduct of the
5 demonstration project without transfer of title to the high level
6 liquid wastes or to the project site and for the following
7 activities:

8 (A) demonstration of vitrification technology or technologies
9 which can be replicated for other applications in the United
10 States;

11 (B) submission jointly by the Department of Energy and the
12 State of New York of an application for a licensing amendment
13 as soon as possible with the Nuclear Regulatory Commission allowing
14 for the demonstration;

15 (C) application of the Atomic Energy Act of 1954, as amended,
16 and the Energy Reorganization Act of 1974, as amended, to all aspects
17 of the demonstration project; and

18 (D) conduct of other activities at the project, as determined
19 to be appropriate by the Secretary, to protect public health and
20 safety and to be in the national interest regarding the safe
21 management of nuclear wastes in the United States.