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APR 18 1980

MEMORANDUM FOR: Leonard Bickwit  
General Counsel

FROM: William J. Dircks, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: COMMENTS ON H.R. 6865

We have reviewed and concur on the draft Commission comments on the above subject Bill; however, it is suggested that the paragraph below be incorporated into the proposed response to Congressman Staggers.

"Both the Commission and the staff strongly support this project to begin efforts to solidify the high-level liquid wastes at West Valley. For many years, we have been encouraging the U.S. Department of Energy (DOE) to undertake just such a project. The reason for this position is that the DOE, through its contractors, is the appropriate organization with the requisite technical resources to perform the detailed engineering and development work actually needed to retrieve, solidify and dispose of the high-level wastes at West Valley. Therefore, we strongly support the West Valley Demonstration Project Act (H.R. 6865 and S. 2443).

This paragraph could be inserted after the first paragraph of the present draft response.

(Signed) John G. Davis

William J. Dircks, Director  
Office of Nuclear Material Safety  
and Safeguards

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SURNAME	JSurmeier:prh	JOBunting	REBrowning	JBMartin	JDircks	WJDircks
DATE	4/15/80	4/15/80	4/15/80	4/17/80	4/17/80	4/17/80

96TH CONGRESS  
2D SESSION

# H. R. 6865

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1980

Mr. LUNDINE introduced the following bill; which was referred jointly to the Committees on Interstate and Foreign Commerce, Interior and Insular Affairs, and Science and Technology

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## 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 nucle-

1 ar waste management demonstration project at the Western  
2 New York Service Center in West Valley, New York (here-  
3 inafter 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

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.

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—

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 commercial 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  
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96TH CONGRESS  
2D SESSION

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