



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

AEC License File

APR 19 1966

IN REPLY REFER TO:

Docket No. 50-201

Nuclear Fuel Services, Inc.
Box 124
West Valley, New York 14171

Attention: Mr. W. H. Lewis
Vice President and General Manager

AND

New York State Atomic and Space
Development Authority
230 Park Avenue
New York, New York 10017

Attention: Mr. Oliver Townsend
Chairman

Gentlemen:

Enclosed is Provisional Operating License No. CSF-1, together with a copy of a notice being published in the Federal Register concerning this license. Also enclosed are three copies of Amendment No. 3 to Indemnity Agreement No. B-29 for your acceptance and return of one signed copy.

In accordance with the amendment to your application dated January 25, 1965, you are hereby authorized to maintain the specified criticality alarm system in lieu of the devices specified in 10 CFR 70.24(a)(1).

Sincerely yours,

A handwritten signature in dark ink, appearing to read "J. A. McBride", is written over the typed name.

J. A. McBride, Director
Division of Materials Licensing

Enclosures:
As stated above

cc: C. R. Braun
E. G. Bechhoefer

UNITED STATES ATOMIC ENERGY COMMISSION

NOTICE OF ISSUANCE OF FACILITY LICENSE

NUCLEAR FUEL SERVICES, INC.

AND

NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

DOCKET NO. 50-201

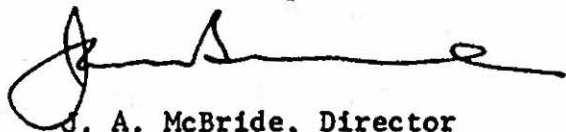
Please take notice that construction of the facility having been completed and no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the Federal Register, the Atomic Energy Commission has issued effective as of the date of issuance Provisional Operating License No. CSF-1 to Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority authorizing operation of the irradiated nuclear fuel processing plant located at the Western New York Nuclear Service Center, Cattaraugus and Erie Counties, New York.

The license was issued as set forth in the Notice of Proposed Issuance published in the Federal Register September 10, 1965, 30 F.R. 11649, except that bases for technical specifications have been expanded in some instances, and certain clarifications have been made, including:

- (1) Specification 2.3 was changed to permit the use of some additional small radioactive sources for calibration and test purposes.

- (2) Specification 4.13.1 was changed to permit waste burial at a more convenient location on the site and to specify minimum earth cover requirements.
- (3) Specification 5.3.1 was changed to require that all off-gas from shear or dissolution operations be processed through a chemical scrubber and to specify that the off-gas from a fuel batch containing less than 160 millicuries of I-131 need not be processed through the silver nitrate reactor.
- (4) Specification 6.6.1 was changed to assure that sufficient air shall be added to keep the hydrogen gas concentration below its lower explosive limit.
- (5) Specification 7.1 was expanded to identify with greater particularity the management organization and responsibility and to specify situations requiring corrective actions and plant shut down.

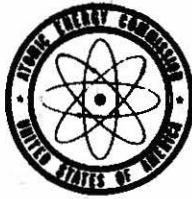
FOR THE ATOMIC ENERGY COMMISSION



J. A. McBride, Director
Division of Materials Licensing

Dated at Bethesda, Maryland

this 19th day of April, 1966



Ted S

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

NUCLEAR FUEL SERVICES, INC.

AND

NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

DOCKET NO. 50-201

PROVISIONAL OPERATING LICENSE

License No. CSF-1

The Atomic Energy Commission having found that:

- a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, CFR;
- b. Construction of the facility has been completed in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission;
- c. As an intermediate procedure prior to issuance of an operating license pursuant to Title 10, CFR, § 50.56, a provisional operating license should be issued because there are involved features, characteristics or components of the proposed facility as to which it appears desirable to obtain actual operating experience before issuance of an operating license for the full term requested in the application;
- d. There is reasonable assurance (i) that the activities authorized by the provisional operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations in Title 10, CFR;
- e. The applicants are technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the regulations in Title 10, CFR;
- f. The applicable provisions of Part 140, Title 10, CFR, have been satisfied; and
- g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. CSF-1 is hereby issued as follows:

1. This license applies to the irradiated nuclear fuel processing plant (the "facility") located at the Western New York Nuclear Service Center, Cattaraugus and Erie Counties, New York, and described in



Part B of the revised license application, as amended, filed by Nuclear Fuel Services, Inc. ("NFS") and incorporated by reference in the revised license application, as amended, of the New York State Atomic and Space Development Authority ("ASDA"). Volumes 1 and 2 of said Part B of the revised license application, as amended, entitled "Final Safety Analysis Report" are considered to be the "Hazards Summary Report".

2. Subject to the conditions and requirements incorporated herein the Commission hereby licenses NFS -- as lessee of the site; as owner of those portions of the facility in which actual chemical processing will take place; and as the party responsible for the operation of the facility, including storage of irradiated fuel elements, storage of radioactive wastes and burial of radioactive waste --
- A. Pursuant to Section 104.b of the Atomic Energy Act of 1954, as amended (the "Act"), and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the facility as a production facility;
 - B. Pursuant to the Act and Title 10, CFR, Part 70, "Special Nuclear Material", to receive, acquire, possess and use that amount of special nuclear material in or from irradiated solid nuclear fuel elements, and that amount of special nuclear material contained in auxiliary sources such as calibration and laboratory standards, the receipt, storage or processing of which is authorized by Section 2 of the technical specifications appended to this license;
 - C. Pursuant to the Act and Title 10, CFR, Part 30, "Licensing of Byproduct Material", to receive, separate, possess and use that amount of byproduct material in or from irradiated solid nuclear fuel elements, and to receive, possess and use that amount of byproduct material contained in auxiliary sources such as calibration and laboratory standards, the receipt, storage or processing of which is authorized by Section 2 of the technical specifications appended to this license;
 - D. Pursuant to the Act and Title 10, CFR, Part 40, "Licensing of Source Material", to receive, possess and use that amount of source material in or from irradiated solid nuclear fuel elements, and that amount of source material contained in fuel element prototypes and other auxiliary forms, the receipt, storage or processing of which is authorized by Section 2 of the technical specifications appended to this license; and

E. Pursuant to the Act and Title 10, CFR, Parts 20, 30, 40, and 70 to dispose of solid radioactive waste generated in the operation of the facility by burial in the soil in accordance with the technical specifications. NDA

3. Subject to the conditions and requirements incorporated herein the Commission hereby licenses ASDA -- as owner and lessor of the site, of those portions of the facility in which the preprocessing storage of irradiated fuel elements and the storage and burial of radioactive wastes will take place, and of other site improvements -- to possess title to those portions of the facility not owned by NFS and to permit NFS to perform those acts which NFS is authorized to do by paragraph 2 of this license.
4. A. Notwithstanding any expiration, modification, cancellation or termination of the contractual arrangements between NFS and ASDA, NFS shall, so long as this license shall be in force with respect to NFS, be responsible for assuring that the provisions of this license and Commission regulations for protection of health and safety from radiation hazards are observed with respect to the facility and materials covered by this license. In the event of any expiration, modification, cancellation or termination of the contractual arrangement between NFS and ASDA or any other change in the relationship between them, including any proposed transfer from NFS to ASDA of responsibility for the operation and care of those portions of the facility in which the storage and burial of radioactive wastes will take place, NFS or ASDA may apply to the Commission for an appropriate amendment of this license reflecting the future responsibilities of NFS and ASDA with respect to satisfying Commission regulatory requirements. Until such amendment is issued, ASDA shall in no way prevent NFS from observing the requirements set forth in this condition.
- B. To the extent that the operation of the facility under this license results in the production of radioactive wastes to be stored in portions of the facility or in improvements hereafter constructed at the site, or otherwise to be managed at the site, beyond the term of this license or any superseding license, NFS or ASDA may apply to the Commission for an appropriate amendment of this license or any superseding license with respect to such continued storage or management in accordance with Commission regulations.

5. Except as specifically otherwise provided by the Commission, this license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50, Section 70.32 of Part 70, Section 40.41 of Part 40 and Section 30.34 of Part 30 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, including Part 20; and is subject to the additional conditions specified below:

A. Technical Specifications

The technical specifications for operation of the facility contained in Appendix A attached hereto are hereby incorporated in this license. Except as hereinafter provided, the facility shall be operated in accordance with the technical specifications. Changes may be made in the technical specifications only when authorized by the Commission in accordance with the provisions of Section 50.59 of the Commission's regulations (Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities").

B. Records

In addition to those otherwise required under this license and applicable regulations, NFS shall keep the following records:

- Keep until
auth'd by NRC
to destroy*
- (1) Records showing the radioactivity released or discharged to unrestricted areas as measured at or prior to the point of such release or discharge. *H+S*
 - (2) Records of radioactivity measurements at on-site and off-site monitoring stations described in the technical specifications. *H+S*
 - (3) Records of the radioactive material received, transferred, stored as high-level liquid waste or disposed of as solid waste. *SNM
K-250
T. & S. Service*
 - (4) Records of facility tests, measurements and calculations performed pursuant to the requirements of the technical specifications. *Tech Service*
 - (5) Records of major repairs or substitution or replacement of major equipment listed in Equipment List, Appendix 5.2 of the Final Safety Analysis Report. *Tech Serv.*
- Keep
2 years*

- (6) Letters of authorization, run sheets, operating logs and check-off lists of the mechanical processing and chemical processing operations performed in the plant.

*Keep in
Office*

NFS is hereby authorized to dispose of the records described in 5.B.(4), (5) and (6) after a retention period of two years from the date of occurrence of the activity recorded. Records described in 5.B.(1), (2) and (3) shall be retained until disposal is authorized by the Commission.

C. Reports

In addition to reports otherwise required by this license and applicable regulations:

- (1) Any operation outside the limits established by the technical specifications, and any operation of the facility in the "ready condition" as defined in the technical specifications, shall be promptly reported by telephone or telegraph to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20. NFS shall submit within 10 days a complete report of the causes and corrective actions taken. This report shall be submitted to the Director, Division of Materials Licensing, with a copy to the Regional Compliance Office.
- (2) NFS shall report to the Commission in writing within 30 days of its occurrence any change in the plant organization indicated in the amendment to the application by NFS dated October 19, 1965.
- (3) NFS shall report to the Commission in writing within 30 days of the time it is observed any change in the validity of the assumptions used in the accident analyses, as described in Section VII of the Final Safety Analysis Report.
- (4) NFS shall submit to the Commission, at least quarterly, during the period of this provisional operating license, a written report covering the following matters:
 - a. A summary of the processing operations performed during the period, including their duration.

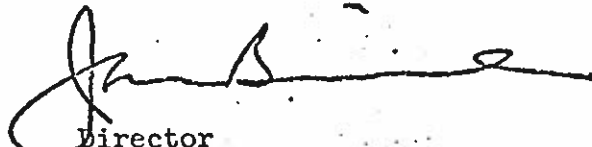
*Tech
Services
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- med
- RK
bck
S.S.
- b. The amount of radioactive material received, transferred, stored as high-level liquid waste, disposed of as solid waste, and released as liquid, gaseous and solid effluent.
- RK
- c. The levels of radioactivity measured at the stack, the site-perimeter monitoring stations and in the milk from the cows on the NFS-operated farm.
- WA
d.
- d. A brief explanation of the cause of each unplanned process shutdown.
- WRC
FD
- e. A description of major repairs performed in the facility with reasons therefor.
- WEN
FD
- f. A description of changes, tests, and experiments performed pursuant to Paragraph 50.59(a) of the Commission's rules and regulations.
- WEN
FD
- g. A description of malfunctions of any equipment listed in Appendices 5.2, 9.51, 9.53, and 9.56 of the Final Safety Analysis Report which is important to safety.
- h. The results of periodic testing performed in accordance with Section 6 of the technical specifications.

Such reports shall be submitted within 30 days after the end of each reporting period.

- (D) Special Nuclear Material Regulations. (See letter dated 9/4/69 & 6/20/70).
6. This license is effective as of the date of issuance and shall expire eighteen months from the date of issuance (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license.

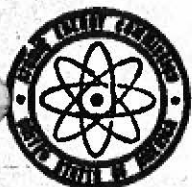
FOR THE ATOMIC ENERGY COMMISSION



Director
Division of Materials Licensing

Attachment:
Appendix A

Date of Issuance: APR 19 1966



Doc. Room

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

AMENDMENT TO INDEMNITY AGREEMENT NO. B-29

AMENDMENT NO. 3

Effective **APR 18 1966**, Indemnity Agreement No. B-29 between Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority, and the Atomic Energy Commission dated May 27, 1965, as amended, is hereby further amended as follows:

Delete Item 2a of the Attachment to the indemnity agreement in its entirety and substitute the following therefor:

Item 2a - Amount of financial protection -

\$5,000,000 from 12:01 A.M., May 27, 1965 to 12:00 midnight
APR 18 1966, inclusive; and \$20,000,000 subsequent
to that date.

Delete Item 3 of the Attachment to the indemnity agreement in its entirety and substitute the following therefor:

Item 3 - License number or numbers

SNM-857 and CSF-1

Delete Item 4 of the Attachment to the indemnity agreement in its entirety and substitute the following therefor:

Item 4 - Location

The area of approximately 190 acres, enclosed within a chain link fence, known as the plant site area, and situated within the New York State Atomic and Space Development Authority's site of approximately 3,300 acres in the Town of Ashford in the north

central section of Catteraugus County, approximately 4.5 miles south of the village of Springville, New York; but excluding the low-level burial area situated east of the high-level burial area and licensed for operation by Nuclear Fuel Services, Inc., pursuant to Radioactive Materials License No. 382-1139 issued by the State of New York.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

Original Signed by
Eber R. Price, Director
Div. of State & Licensee
Relations

Eber R. Price, Director
Division of State and Licensee Relations

Accepted _____, 1966

By _____

Accepted _____, 1966

By _____



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

30 SEP 1981

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NYS
ENERGY OFFICE
001 98 1981
ALBANY, N.Y.

Docket No. 50-201

FILE COPY

Nuclear Fuel Services, Inc.
ATTN: Mr. Ralph W. Deuster, President
6000 Executive Boulevard, Suite 600
Rockville, MD 20852

Change No. 31
Facility License No. CSF-1

Gentlemen:

This is an amendment (Change No. 31) to facility License No. CSF-1, together with a copy of a notice, concerning this amendment, which has been submitted for publication in the Federal Register. This amendment is issued in response to the application filed on August 19, 1981, by the New York State Energy Research and Development Authority, joined by the U.S. Department of Energy.

In accordance with paragraph C(2) of new Condition 7. of the amended license, we propose to appropriately amend Indemnity Agreement B-29 as of the time of the transfer of the facility to the Department of Energy. We anticipate execution of an amendment to the indemnity agreement at that time.

Accordingly, pursuant to 10 CFR §50.91 new Condition 7. to the license, as shown in enclosure 1, is authorized.

In acting upon the request for an amendment, we have carefully considered the views expressed in your letters of September 11, 1981 and September 25, 1981. You may, of course, request a hearing with respect to this action in accordance with Section 189a. of the Atomic Energy Act of 1954, as amended.

Sincerely,

Leland C. Rouse, Chief
Advanced Fuel and Spent Fuel
Licensing Branch
Division of Fuel Cycle and
Material Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. New License Condition 7.
2. Federal Register Notice
3. Safety Evaluation

cc: Mr. James Larocca, NYSERDA

7. The licensees, as their respective interests under this license appear, may transfer the facility to the United States Department of Energy ("DOE") in accordance with the West Valley Demonstration Project Act ("Project Act"), Pub. L. No. 96-368, subject to the following conditions:
- A. DOE shall assume exclusive possession of the facility and shall continue in possession until such time as the licensees, as their respective interests under this license appear, reacquire the facility.
 - B. (1) Commencing on the date of transfer of the facility to DOE, and continuing until DOE surrenders possession thereof:
 - a. Neither licensee shall be authorized to possess, use, or operate, or be responsible for maintenance, surveillance, or safeguarding of the facility under this license; and to the extent that either licensee retains any right, title, or interest in any property located at the facility or any interest or responsibility under this license, it is not authorized to take or permit, and shall not take or permit, any action which in DOE's judgment may inhibit or prevent DOE from taking any action under the Atomic Energy Act or the Project Act:
 - (i) to carry out its activities pursuant to the Project Act;
 - (ii) to guard against the loss or diversion of any special nuclear material located at the facility;
 - (iii) to prevent any use of or disposition of any special nuclear material located at the facility which DOE may determine to be inimical to the common defense and security; or
 - (iv) to protect health or minimize danger to life or property.
 - b. Neither licensee shall have further responsibility under subparagraph 5 (B) or (C) of this license to develop, maintain, or submit records or reports pertaining to events occurring or conditions prevailing at the facility during the time the facility is in DOE's possession;
 - (2) Commencing on the date of transfer of the facility, the technical specifications referenced in subparagraph 5(A) of this license, and the conditions contained in the amendment to this license for special nuclear materials safeguards, shall be held in abeyance.
 - C. (1) DOE will contract with a person or persons to perform services for the benefit of the United States, subject to the direction and

30 SEP 1981

supervision of DOE, such contractual activity to include the conduct of the West Valley Demonstration Project ("Project") and such other services as may be needed in connection with the transferred facility from the time of the transfer and for so long thereafter as such facility is in the possession of DOE, and DOE will enter into agreements of indemnification with such person or persons in accordance with section 170d. of the Atomic Energy Act.

- (2) Effective as of the time of transfer of the facility to DOE, and until DOE surrenders possession of the facility, Indemnity Agreement No. B-29 shall be suspended. Such suspension shall be evidenced by an amendment to said Indemnity Agreement which provides that the agreement shall not include the period of suspension described in the preceding sentence, and that the suspension shall not affect any obligation of the parties to the agreement with respect to any nuclear incident occurring prior to the suspension.
- D. Except as provided in subparagraphs (A), (B), and (C) of this paragraph 7, the responsibilities of the licensees under this license, as their respective interests under this license appear, shall continue in effect, provided that neither licensee is authorized to take or permit, and shall not take or permit (to the extent it has legal authority to do so) any other person to take, any action which in DOE's judgment may inhibit or prevent DOE from taking any action under the Atomic Energy Act or the Project Act:
- (1) to carry out its activities pursuant to the Project Act;
 - (2) to guard against the loss or diversion of any special nuclear material located at the facility;
 - (3) to prevent any use of or disposition of any special nuclear material located at the facility which DOE may determine to be inimical to the common defense and security; or
 - (4) to protect health or minimize danger to life or property.
- E. The licensees, as their respective interests under this license appear, shall:
- (1) reacquire and possess the facility upon completion of the Project, in accordance with such technical specifications and subject to such other provisions as the Commission finds necessary and proper under the Atomic Energy Act and Commission regulations; and
 - (2) make timely submissions to the Commission, in anticipation of completion of the Project, as may be required by the Commission to determine such technical specifications and other provisions.

30 SEP 1961

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-201NUCLEAR FUEL SERVICES, INC. ANDNEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY(WESTERN NEW YORK NUCLEAR SERVICE CENTER)ISSUANCE OF AMENDMENT TOFACILITY LICENSE NO. CSF-1

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (as successor to the New York State Atomic and Space Development Authority) hold Provisional Operating License No. CSF-1. The license, issued under section 104b. of the Atomic Energy Act, authorizes operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the Western New York Nuclear Service Center in West Valley, New York (the Center).


Under the West Valley Demonstration Project Act, Pub. L. 96-368, (the West Valley Act), the Department of Energy has been authorized to carry out a high level radioactive waste management demonstration project at the Center for the purpose of demonstrating solidification techniques which can be used for preparing high level liquid radioactive waste for disposal.

On August 19, 1981 the Commission received an application for amendment of Facility License No. CSF-1 to authorize transfer of the facility to the Department of Energy. As provided by the West Valley Act, the application was submitted by the New York State Energy Research and Development Authority, joined by the Department of Energy. Notice of receipt of the application was published in the FEDERAL REGISTER on September 2, 1981 (46 FR 44110).

In accordance with 10 CFR §2.106, notice is hereby given that the Commission has today issued an amendment to License No. CSF-1 authorizing the co-licensees, as their respective interests under the license appear, to transfer the facility to the Department of Energy in accordance with the West Valley Act. The Commission has determined that the application for the amendment complies with the requirements of the Atomic Energy Act and the regulations of the Commission (10 CFR Chapter I). The Commission has determined that this amendment involves no significant hazards consideration. Copies of the amendment to the license and the NRC staff's safety evaluation are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document Rooms maintained at the Buffalo and Erie County Public Library, Lafayette Square, Buffalo, New York; and the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York.

Dated at Silver Spring, Maryland, this 30th day of September, 1981.

FOR THE NUCLEAR REGULATORY COMMISSION


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

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.

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 significant impact or environmental impact statement is required with respect to the issuance of the license amendment.



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

FEB 11 1982

RECEIVED
NYS ENERGY OFFICE

FEB 16 1982

Docket No. 50-201

Change No. 32

ALBANY, N.Y. 12223

Facility License No. CSF-1

Nuclear Fuel Services, Inc.
ATTN: Mr. Ralph W. Deuster, President
6000 Executive Boulevard, Suite 600
Rockville, MD 20852

New York State Energy Research and
Development Authority
ATTN: Mr. James Larocca, Chairman
Agency Building No. 2, Empire State Plaza
Albany, New York 12223

FILE COPY

FILE 1.6 ☐
FILE 5.6 ☒
FILE ☐

Gentlemen:

Please find enclosed an amendment (Change No. 32) to Facility License No. CSF-1, together with a copy of a notice concerning this amendment, which has been submitted for publication in the Federal Register, and the NRC staff's safety evaluation related to this licensing action. This amendment is being issued, pursuant to 10 CFR 50.91, in response to the application filed by Nuclear Fuel Services, Inc. on February 1, 1982 and the letter of the New York State Energy Research and Development Authority dated February 9, 1982 with respect thereto. The amendment incorporates the specific text proposed by the New York State Energy Research and Development Authority and agreed to by Nuclear Fuel Services, Inc.

Accordingly, pursuant to 10 CFR 50.91, License No. CSF-1 is amended, as shown in Enclosure 1, to include new paragraph 8.

*cc. Dempsey
Schneider
DeBoer
CSF-1 Notebook*

FOR THE NUCLEAR REGULATORY COMMISSION

Leland C. Rouse

Leland C. Rouse, Chief
Advanced Fuel and Spent Fuel
Licensing Branch
Division of Fuel Cycle and
Material Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. New License Condition 8.
2. Federal Register Notice
3. Safety Evaluation

- 8.A. Effective upon (1) acceptance of surrender of the facility by the New York State Energy Research and Development Authority ("NYSERDA") from NFS; (2) DOE's assumption of exclusive possession of the facility in accordance with Paragraph 7; and (3) the Settlement Date ("Settlement Date") of a Settlement Agreement, Stipulation and Order in Civil Actions No. 81-18E and 81-683E in the United States District Court for the Western District of New York ("Settlement Agreement"):
- a. The authority and responsibility of NFS under the license are terminated. Notwithstanding such termination, NFS shall promptly transfer to NYSERDA all records in the possession of NFS that are maintained pursuant to the license that have not been previously transferred to DOE.
 - b. All references in Paragraph 7 to "licensee," "licensees," "licensees under this license, as their respective interests under this license appear," or "licensees as their respective interests under this license appear" shall thereafter refer exclusively to NYSERDA.
 - c. Indemnity Agreement No. B-29 shall be modified to conform to the change in the authority and responsibility described in subparagraphs a and b of this Paragraph 8.A.
- B. NFS and NYSERDA shall jointly file with the Commission, as soon as practicable, a copy of any Settlement Agreement and notice of acceptance of the facility by NYSERDA; and NYSERDA shall file with the Commission, as soon as practicable, notice of DOE's assumption of exclusive possession of the facility in accordance with Paragraph 7.
- C. As soon as practicable, NFS and NYSERDA shall give the Commission notice of specific date, by month, day, and year; that constitutes the Settlement Date.

FEB 11 1982

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-201NUCLEAR FUEL SERVICES, INC. ANDNEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY(WESTERN NEW YORK NUCLEAR SERVICE CENTER)ISSUANCE OF AMENDMENT TOFACILITY LICENSE NO. CSF-1

Nuclear Fuel Services, Inc. (NFS) and New York State Energy Research and Development Authority (as successor to the New York State Atomic and Space Development Authority) (the Authority) hold Provisional Operating License No. CSF-1. The license, issued under section 104b. of the Atomic Energy Act, had authorized the operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the Western New York Nuclear Service Center in West Valley, New York (the Center).

Under the West Valley Demonstration Project Act, Pub. L. 96-368, the Department of Energy has been authorized to carry out a high-level radioactive waste management demonstration project at the Center for the purpose of demonstrating solidification techniques which can be used for preparing high-level liquid radioactive waste for disposal.

On September 30, 1981, the U.S. Nuclear Regulatory Commission (the Commission) issued an amendment to the license which would permit transfer of the facility to the Department of Energy for purposes of the project (46 FR 49237).

On October 6, 1981, the Commission received from NFS an application for amendment of License No. CSF-1 to relieve NFS of all operational responsibility under the license. Notice of receipt of this application was published in the FEDERAL REGISTER on November 13, 1981 (46 FR 56086). The Commission denied the application on January 11, 1981, without prejudice, in order to avoid adjudication before the Commission of issues of law and fact that are being litigated between NFS and the Authority in the federal court system.

NFS submitted a further application to the Commission on February 1, 1982. The new application requests that the authority and responsibility of NFS under the license be terminated upon the occurrence of certain events. A supporting letter, dated February 9, 1982, was filed by the Authority. The Department of Energy, by letter of February 10, 1982, advised the Commission that it has no objection to the issuance of the requested amendment.

In accordance with 10 CFR §2.106, notice is hereby given that the Commission has today issued an amendment to License No. CSF-1, substantially as requested by NFS, which provides for termination of the authority and responsibility of NFS under said license, effective upon 1) acceptance of surrender of the facility by the Authority from NFS, 2) DOE's assumption of exclusive possession of the facility, and 3) the Settlement Date of a

Settlement Agreement in pending civil actions in the United States District Court for the Western District of New York. The Commission has determined that the application for the amendment complies with the requirements of the Atomic Energy Act and the regulations of the Commission (10 CFR Chapter I). The Commission has determined that this amendment involves no significant hazards consideration. Copies of the amendment to the license and the NRC staff's safety evaluation are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document Rooms maintained at the Buffalo and Erie County Public Library, Lafayette Square, Buffalo, New York; and the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York.

Dated at Silver Spring, Maryland, this 11th day of February 1982.

FOR THE NUCLEAR REGULATORY COMMISSION

Leland C. Rouse

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

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY EVALUATION REPORT

RELATED TO

AMENDMENT NO. 32

TO FACILITY OPERATING LICENSE CSF-1

DIVISION OF FUEL CYCLE AND MATERIAL SAFETY

FEBRUARY 1982

I. FINDING OF NO SIGNIFICANT HAZARDS CONSIDERATION

Introduction

Paragraph 4.A. of License No. CSF-1 provides that in the event of any expiration, modification, cancellation, or termination of the contractual arrangement between Nuclear Fuel Services, Inc. (NFS) and the New York State Energy Research and Development Authority (NYSERDA)^{1/} or any other change in the relationship between them, including any proposed transfer from NFS to NYSEERDA of responsibility for the operation and care of those portions of the facility in which the storage and burial of radioactive wastes will take place, NFS or NYSEERDA may apply to the U.S. Nuclear Regulatory Commission (the Commission) for an appropriate amendment of this license reflecting the future responsibilities of NFS and NYSEERDA with respect to satisfying Commission regulatory requirements.

NFS and NYSEERDA have agreed, subject to the occurrence of certain contingencies, to terminate the contractual agreement between them and have proposed to transfer from NFS to NYSEERDA, in the event of such termination, responsibility for the operation and care of the facility following the completion of

^{1/} The New York State Energy Research and Development Authority (NYSEERDA) is successor to the Atomic and Space Development Authority (ASDA), the agency which is named in License No. CSF-1.

high-level waste solidification by the Department of Energy. To reflect this change in responsibility, the Commission proposes to modify the license by terminating the authority and responsibility of NFS upon DOE assuming exclusive possession and control of the facility as provided in paragraph 7, of License CSF-1, as amended, and the occurrence of the contingencies referred to above.

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 previous Amendment (Change No. 31) authorized transfer of the facility to DOE. Because DOE is exempt from Commission licensing, there is no need to evaluate any hazard associated with operation during the period when the facility is in DOE's possession

and control.^{2/} Whereas the license previously suspended the rights and responsibilities of NFS during the period of DOE possession and control, the proposed license modification would terminate NFS's authority and responsibility. The authority and responsibility of NYSERDA would continue to be suspended. During this period, all three of the above criteria are met and the proposed license modification may be considered to involve no significant hazards consideration.

Having made this determination, it is appropriate to consider whether, when DOE completes the West Valley Demonstration Project and NYSERDA reacquires the facility, its operation would involve a significant increase in the probability or consequences of an accident previously evaluated. Two factors influence the probability or consequences of an accident. They are the radiological risk inherent in conditions at the facility, and the ability of the facility operator to prevent accidents or to mitigate their consequences.

Upon resumption of activities under the license following completion of the West Valley Demonstration Project by DOE, the most important safety-related aspect at the site, the continued care of the liquid high-level waste, will no longer exist. It will have been solidified and transported to a Federal repository for permanent disposal. At least part of the facility will have been decontaminated and decommissioned by DOE in accordance with such requirements as the Commission may prescribe. The inherent risk associated with conditions at the site will have been reduced accordingly.

^{2/} The Commission is required, however, to conduct an informal review and consultation with respect to the project pursuant to arrangements with DOE. Pub. L. 96-368, 94 Stat. 1347, §2(c). Such arrangements have been established by means of a Memorandum of Understanding effective September 23, 1981. 45 FR 56960, November 19, 1981.