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Mr. Joseph M. Hendries, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20055

Dear Chairman Hendries:

I have been advised that the Nuclear Regulatory Commission (NRC) staff recently informed Nuclear Engineering Company, Inc. (NECO) that only the NRC can terminate the company's license to operate a low level radioactive waste disposal site at Sheffield Illinois.

As you know, Nuclear Fuel Services, Inc. (NFS) and the NYS Energy Research and Development Authority (NYSERDA) received a provisional license from a predecessor agency of the NRC to operate a nuclear reprocessing plant at West Valley, New York. Further, NFS has notified NYSERDA that it intends to withdraw from West Valley and turn over its responsibility for the facility to NYSERDA at the end of 1980.

I completely agree with the NRC staff's position that only the NRC has the ability to terminate an outstanding operating license. Has the Commission itself adopted the staff position? If so, am I right in concluding that notwithstanding the intention of Nuclear Fuel Services to withdraw from the facility at West Valley, only the NRC can relieve NFS from its existing responsibility as a co-licensee of assuring that the public health and safety are protected? Further, is NFS's responsibility independent of, and addition to, any responsibility NYSERDA may have to protect public health and safety as a co-licensee? With 600,000 gallons of high level radioactive waste, 170 tons of spent fuel and significant quantities of low level radioactive waste stored at West Valley, the answers to these questions are of extreme importance to Western New York residents.

The U.S. Department of Energy estimates that the cost of cleaning up West Valley could run into the hundreds of millions of dollars. If true, the costs would easily overwhelm the limited resources of NYSERDA and possibly be beyond even the State's ability to pay. In light of the huge potential monetary liability, does it make any sense, legally or otherwise, to let any West Valley licensee walk away from

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an existing responsibility to protect the public health and safety? I think not, and would hope that the Commission shares my view.

I would very much appreciate hearing from you relating to the above questions at your earliest convenience.

Yours truly,

Dale M. Volker

Dale M. Volker
Chairman, NYS Senate Energy Committee

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