



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 30, 2020

Paul Bembia  
West Valley Site Management Program  
New York State Energy Research &  
Development Authority  
9030-B Route 219  
West Valley, New York 14171-9500

SUBJECT: INITIAL REVIEW FOR NYSERDA REQUEST FOR LICENSE AMENDMENT:  
RETAINED PREMISES RADIATION PROTECTION REQUIREMENTS  
(LAR-20-001), DATED MARCH 11, 2020 (EPID L-2020-LLA-0023)

Dear Mr. Bembia,

By letter dated February 6, 2020, the New York State Energy Research and Development Authority (NYSERDA) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for an amendment to its provisional operating license, NRC License No. CSF-1, in accordance with the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.90, "Application for amendment of license, construction permit, or early site permit." On March 11, 2020, resubmitted the amendment application to address 10 CFR 50.30, "Filing of application for licenses; oath or affirmation." NYSERDA requested that the Radiation Protection Plan be amended for the "retained premises of the licensed area" because it needs to be modernized. NYSERDA defines the "retained premises of the licensed area" as the area consisting of the Western New York Nuclear Services Center not including the U.S. Department of Energy (DOE) West Valley Demonstration Project premises and the State Licensed Disposal Area (SDA). Also, NYSERDA requested that the license be amended to clarify NYSERDA's health and safety responsibilities under the license.

The NRC completed its initial review of the March 11, 2020, resubmitted application and identified areas of the resubmittal in which more information in the following areas will be needed in order to complete the NRC staff's acceptance review:

- 1) Work Evaluation Process: A work evaluation process that contains action limits for when radiation controls for proposed work must be addressed in a radiation work permit or its equivalent. While NYSERDA states it will have an evaluation process and a procedure ("Retained Premises Radiological Safety Evaluation and Radiation Work Permits") to address evaluation of radiological work as referenced in Table 1 of the submittal, more descriptive information of its work evaluation process is needed to determine its adequacy.
- 2) Process for Implementing Radiation Controls: A process for implementing NYSERDA's radiation protection controls (e.g., a Radiation Work Permit (RWP) program that specifies the dosimetry, personnel protective equipment, contamination control, access

control, and environmental monitoring suitable for the nature of the hazards/work) must be included in the submittal. While NYSERDA states it will have procedures for "Retained Premises Radiological Safety Evaluation and RWPs" in Table 1 of the submittal, more descriptive discussion of the radiation control program is needed to determine its adequacy. Any such discussion should include appropriate action limits for when specific controls would be required.

- 3) Environmental Monitoring Program: More information on NYSERDA's environmental monitoring program for the retained premises is needed to determine its adequacy. In the submittal, NYSERDA indicates that it proposes to take credit for the DOE program so long as it encompasses NYSERDA's environmental monitoring requirements for this area. There is no discussion or justification of the basis environmental monitoring requirements for the retained premises nor is there a discussion of what NYSERDA plans to do if any elevations or increasing trends are identified in its environmental monitoring program. Further, NYSERDA has not provided a commitment to establish sampling/monitoring at appropriate locations either before or after work commences in radiological contaminated and potential contaminated areas it proposes to do work, especially for soil disturbing activities.

NYSERDA indicates that its implementing processes for its programs are adequate because they are consistent with those it has in place for the SDA. The SDA is not part of the NRC license and thus not inspectable under NRC License No. CSF-1. Implementing procedures are reviewed in NRC inspection space to ensure they are consistent the license requirements. Further, NYSERDA needs to provide enough information for the program elements of interest in its submittal to be evaluated by the NRC staff. Please provide this additional information as soon as you can.

Upon review of NYSERDA's submittal of the additional requested information above, the NRC staff will decide whether the application is acceptable for docketing so that the staff can begin its detailed technical review.

Should you have any questions or comments concerning this matter, I can be reached at 301-415-6822 or by e-mail at [amy.snyder@nrc.gov](mailto:amy.snyder@nrc.gov).

Sincerely,

**X** Amy M. Snyder

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Amy M. Snyder

Senior Project Manager

Signed by: Amy M. Snyder

Amy M. Snyder, Senior Project Manager  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguard

Docket No. 50-201

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**DATE: MARCH 30, 2020**

cc:

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