



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

February 1, 2021

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

SUBJECT: WESTERN NEW YORK NUCLEAR SERVICE CENTER – ACCEPTANCE
REVIEW OF THE NYSERDA REQUEST FOR LICENSE AMENDMENT
REGARDING THE RETAINED PREMISES RADIATION PROTECTION
REQUIREMENTS (EPID L-2020-LLA-0023)

Dear Mr. Bembia,

By letter dated February 6, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20045D497), 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, NYSERDA resubmitted the amendment application (ADAMS Accession No. ML20076C310), to address the requirements of 10 CFR 50.30, "Filing of application for licenses; oath or affirmation."

In the application, NYSERDA requested that the Radiation Protection Plan be amended for the "retained premises of the licensed area" because it needs to be modernized to reflect current conditions at the site. 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). In addition, NYSERDA requested that the license be amended to clarify NYSERDA's health and safety responsibilities under License No. CSF-1.

The NRC completed an initial review of the March 11, 2020, resubmitted application and identified areas of in which more information was necessary to complete the NRC's acceptance review (ADAMS Accession No. ML20084G641, dated March 30, 2020). NYSERDA responded with this additional information in a letter dated October 28, 2020 (ADAMS Accession No. ML20311A200), which has been reviewed and found acceptable by the staff.

The purpose of this letter is to provide the results of the NRC staff's acceptance review of the supplemented submittal. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review of the subject license amendment. The acceptance review is also

intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of this request in terms of regulatory requirements and the protection of public health and safety and the environment. As such, the acceptance review phase is now complete, and NYSERDA's supplemental submittal has been accepted by the NRC for detailed technical review.

Given the unique nature of the West Valley licensing documents (i.e., some contain Export Controlled Information that cannot be universally shared with members of the public), the NRC staff will work with NYSERDA to appropriately mark, profile, and release portions of the licensing basis that support this license amendment request. Noticing of this request in the *Federal Register* will be deferred until these licensing basis actions have been completed.

Despite completion of an adequate acceptance review, additional information may be needed in support of the ongoing detailed license amendment request review. If additional detailed information is needed, you will be advised by additional correspondence.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-3178 or via e-mail at marlayna.doell@nrc.gov.

Sincerely,



Signed by Doell, Marlayna
on 02/01/21

Marlayna V. Doell, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-201
License No. CSF-1

cc: Distribution via West Valley Listserv

WEST VALLEY DEMONSTRATION PROJECT – ACCEPTANCE REVIEW OF THE NYSERDA REQUEST
FOR LICENSE AMENDMENT REGARDING THE RETAINED PREMISES RADIATION PROTECTION
REQUIREMENTS DATE February 1, 2021

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ADAMS Accession No.: ML21025A342

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