



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

June 14, 2016

Mr. Paul J. Bembia, Director
West Valley Site Management Program
New York State Energy Research and
Development Authority
9030-B Route 219
West Valley, NY 14171-9500

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING ACTIVITIES ON
THE WESTERN NEW YORK NUCLEAR SERVICE CENTER RETAINED
PREMISES

Dear Mr. Bembia:

Activities at the Western New York Nuclear Service Center (WNYNSC) in radiologically contaminated and potentially radiologically contaminated areas on New York State Energy Research and Development Authority's (NYSERDA's) WNYNSC retained premises, excluding the State-licensed Disposal Area (SDA) and the U.S. Department of Energy (DOE)-West Valley Demonstration Project (WVDP) premises, are under NRC regulatory oversight, subject to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20 requirements per U.S. Nuclear Regulatory Commission (NRC) license, CSF-1.

As indicated on the Phase I Studies Web site (<https://www.westvalleyphaseonestudies.org/>) and in various joint NYSERDA/DOE-WVDP presentations on the DOE's WVDP Public Meeting web page (<http://www.wv.doe.gov/>), field work involving disturbance of various environmental media, as part of the Phase I Studies, has already begun. However, it is unclear to the NRC where this work has taken place and where future work is anticipated to take place. Also, it is unclear to the NRC what process NYSERDA is using to determine the radiological status of the retained premises and what process NYSERDA is using to determine whether radiological controls are needed to conduct work safely on the retained premises.

To gain a better understand the nature of activities on the retained premises, their schedule, and to ensure that there are no health and safety concerns regarding the adequacy of radiation protection for the conduct of such activities, please respond to the enclosed request for additional information within 30 business days of receipt of this letter. Upon evaluation of your response, the NRC will determine whether any additional action is necessary.

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>.

P. Bembia

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If you have any questions, please contact Ms. Amy Snyder, Senior Project Manager. She can be reached at (301) 415-6822 or Amy.Snyder@nrc.gov.

Sincerely,

/RA/

Matthew R. Meyer, Acting Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 050-00201

License No. CSF-1

Enclosure:
Request for Additional Information

cc: w/enclosure:
B. Bower, DOE-WV
P. Giardina, EPA
T. Rice, NYSDEC
D. Samson, NYSDOH

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ADAMS Accession No.:

ML16123A307

OFC	DUWP	DUWP	DUWP	DUWP	OGC	DUWP
NAME	A. Snyder	R.Nelson	C. Holston	M.Norato	S.Clark	MMeyer
DATE	4/29/16	5/11/16	4/29/16	5/16/16	6/2/16	6/14/16

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REQUEST FOR ADDITIONAL INFORMATION

For areas on the New York Energy Research and Development Authority (NYSERDA) retained premises, excluding the State-licensed Disposal Area (SDA) and the U.S. Department of Energy (DOE)-West Valley Demonstration Project (WVDP) premises —

Radiological Status of NYSERDA Retained Premises:

1. Identify and describe the process that NYSERDA has in place to determine the radiological status of these areas before NYSERDA allows activities to be performed in these areas.
2. Does the process differ for work involving soil or sediment disturbance?
3. What types of information are used in the process to determine the radiological status of the NYSERDA retained premises?
 - a. If data is used, describe how data quality and data uncertainty are addressed?
 - b. If historical site assessments or historical information is used in its process, identify what was used and explain how it was used. Also, identify whether NYSERDA addresses in its process changes in conditions since the information was obtained or the site was last sampled (i.e., substances may have been releases, migration may have spread the contamination, additional waste disposal may now be present, waste transportation pathways may have cut through the site, or decontamination may have been performed) and whether such changes were assessed.
 - c. If radiological criteria are used (levels, concentrations, activity) to identify the radiological status of the areas or environmental media (i.e., impacted, non-impacted, or radiologically contaminated or not radiologically contaminated), identify what they are and how they were used. If radiological criteria are not used, then explain what is used and the level of confidence NYSERDA has in ensuring radiological safety?
4. Identify how NYSERDA documents the radiological status of the retained premises. Where can this information be found?
5. Identify and describe the process that NYSERDA has in place to determine whether radiological controls are required to perform activities in these areas.

ENCLOSURE

6. What is the radiological status of the NYSERDA retained premises? Has NYSERDA identified specific areas and associated environmental media on the NYSERDA retained premises that are:
 - a. radiological-impacted or contaminated,
 - b. potentially radiologically impacted or contaminated, or
 - c. non-impacted¹?
7. How does NYSERDA identify the areas on the retained premises that are impacted or contaminated or potentially contaminated on the NYSERDA retained premises?

Nature of Work on the NYSERDA Retained Premises:

8. Areas on the NYSERDA retained premises involving disturbance of environmental media or materials:
 - a. Identify the radiological status of these areas where the work or activities were performed and whether radiological controls were required per NYSERDA's radiological control program under CSF-1.
 - b. Did NYSERDA perform an evaluation and document its results for the work or activities that have already occurred?
9. For anticipated work and activities on the NYSERDA retained premises:
 - a. Identify the work and activities and the physical locations that are anticipated to be performed that will involve disturbance of environmental media or materials.
 - b. Identify when this work and activities are anticipated to be performed. If NYSERDA is unable to identify the schedule at this time, please contact the NRC within 30 business days before the activity or work is performed.

¹ Per 10 CFR 50.2, *Non-impacted areas* mean the areas with no reasonable potential for residual radioactivity in excess of natural background or fallout levels. Guidance for demonstrating that a proposed release area is non-impacted is contained in NUREG-1575, "Multi-Agency Radiation Survey and Site Investigation Manual."