



# NYSERDA

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June 19, 2018

Mr. Stephen Koenick, Chief  
Materials Decommissioning Branch  
Division of Decommissioning, Uranium Recovery, and Waste Programs  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Rockville, MD 20852  
[stephen.koenick@nrc.gov](mailto:stephen.koenick@nrc.gov)

Dear Mr. Koenick:

As we recently discussed, the New York State Energy Research and Development Authority (NYSERDA) has had several discussions with staff of the U.S. Nuclear Regulatory Commission (NRC) over the last two years regarding a proposal by the Town of Ashford to establish a community-shared solar photovoltaic electric generation project on property of the Western New York Nuclear Service Center (WNYNSC). As described by the town, this project would be in keeping with the town's goals of: 1) identifying reuse options for WNYNSC property that would benefit the town and its residents; and 2) becoming a regional leader in the deployment of renewable energy technologies on a local level.

Although the WNYNSC property is currently regulated under an NRC Part 50 license, most of the significant site facilities and the vast majority of the Part 50-regulated material is under the control of the U.S. Department of Energy (DOE) to conduct the West Valley Demonstration Project (WVDP). Given the unique nature of the site and the respective responsibilities of DOE and NYSERDA, NYSERDA staff have had several discussions with NRC on the concept of establishing the solar project. NRC staff indicated that, in order to evaluate the project, NRC would need to see a project description, documentation to show that the proposed facility would be located on non-impacted property, an evaluation under 10 CFR 50.59 to determine whether a license amendment would be needed, and information from the DOE with regard to whether the proposed solar facility would, in DOE's judgment, inhibit or prevent DOE from taking action under the Atomic Energy Act or the West Valley Demonstration Project Act.<sup>1</sup>

<sup>1</sup> Conversations on the concept of locating a solar facility on WNYNSC property were held in late-2016 with Michael Norato, Chief, Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs; and in February 2017 with Theodore Smith, Acting Branch Chief, Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs. In March 2017, Amy Snyder, Senior Project Manager, Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, identified the information NRC would need in order to evaluate a proposed solar facility on the WNYNSC property.

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As you and I discussed, the NRC does not normally review 50.59 evaluations prepared by licensees because the 50.59 process is structured to enable licensees to make changes without prior NRC approval. Given the unique nature of the West Valley facility, however, we asked that NRC conduct a "screen" of the information and provide NYSERDA with any comments or questions related to the proposed solar project. You indicated that if NYSERDA submitted the information package in the near term, NRC would be able to complete its screen of that information within a two- to three-month period.

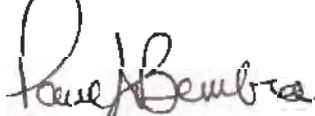
To address the NRC staff's needs with regard to the solar facility, NYSERDA has prepared the attached "Evaluation of the Installation and Subsequent Operation, Maintenance and Removal of a Solar Photovoltaic Facility on a Non-Impacted Area of the WNYNSC" (Evaluation). The Evaluation describes the project and its proposed location on a non-impacted portion of the WNYNSC Retained Premises; contains a 10 CFR 50.59 evaluation using the guidance in Reg Guide DG-1334 and NEI 96-07, Revision 1; and includes a letter from DOE that expresses DOE's view on the proposed solar project.

The conclusion of NYSERDA's Evaluation is that the solar facility "screens out" under 10 CFR 50.59, and will not require a license amendment or other approval. In addition, DOE has determined that the project will not have an impact on the WVDP and DOE does not object to the development of the solar facility.

NYSERDA provides this Evaluation now in accordance with the NRC staff's request for the information noted above. Please contact me at (716) 942-9960 ext. 4900 if you have questions or wish to discuss the solar facility directly.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



Paul Bernbia, Director

PJB/amd

Attachment:

1. NYSERDA's *Evaluation of the Installation and Subsequent Operation, Maintenance and Removal of a Solar Photovoltaic Facility on a Non-Impacted Area of the WNYNSC, Rev. 0*, dated June 2018.
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