



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

November 5, 2021

Paul 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: NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY,
WESTERN NEW YORK NUCLEAR SERVICE CENTER - ISSUANCE OF
AMENDMENT NO. 33 APPROVING THE RETAINED PREMISES RADIATION
PROTECTION PLAN (EPID L-2020-LLA-0023)

Dear Mr. Bembia:

The U.S. Nuclear Regulatory Commission (NRC) is issuing the enclosed Amendment No. 33 to NRC Provisional Operating License No. CSF-1 for the Western New York Nuclear Service Center (WNYNSC). The amendment is in response to the New York State Energy Research and Development Authority (NYSERDA; the licensee) application dated February 6, 2020, as supplemented by letters dated March 11, 2020, October 28, 2020, July 15, 2021, and e-mails dated September 10, and October 12, 2021. This amendment revises the NYSERDA license to include the approved radiation protection requirements for the "Retained Premises"¹ of the WNYNSC as defined by the licensee.

Specifically, NYSERDA requested the addition of a license condition allowing the implementation of a Radiation Protection Plan that will serve as the radiation protection program per 20.1101 to address the "Retained Premises" in order to "modernize the radiation protection portions of Provisional Operating License No. CSF-1." The "Retained Premises" is defined by NYSERDA as the area consisting of the WNYNSC not including the U.S. Department of Energy (DOE) West Valley Demonstration Project (WVDP) premises nor the State Licensed Disposal Area, which was never part of the WNYNSC license. In addition, NYSERDA requested that the license be amended to clarify NYSERDA's health and safety responsibilities under License No. CSF-1 because when portions of the license were placed in abeyance in accordance with the provisions of the WVDP Act, of 1980, NYSERDA believes the license was unclear in that regard.

As discussed in the enclosed safety evaluation, the NRC staff has reviewed the proposed radiation protection program specific to the NRC retained premises and concluded that the proposed changes meet the standards of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20, "Standards for Protection Against Radiation," for the purpose of providing radiation protection programs and procedures in the NRC retained premises of the WNYNSC and continue to provide reasonable assurance of the continued protection of public health and safety

¹ DOE also uses the term "retained premises" with respect to the DOE WVDP. NYSERDA's definition of the retained premises is not on the area of the WVDP.

and the environment. Therefore, NYSERDA's proposed radiation protection requirements for the retained premises, as outlined in the submittals referenced above, are considered acceptable.

The amendment is provided as Enclosure 1. The amendment is effective upon issuance and shall be implemented within 60 days of the effective date. The basis for the NRC staff's conclusion is contained in the enclosed safety evaluation (Enclosure 2). A Notice of Issuance of this amendment will be included in a future *Federal Register* notice.

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 (PDR) or from the Publicly Available Records component of the Agencywide Documents Access and Management System (ADAMS). The PDR is currently closed. You may submit your request to the PDR via e-mail at PDR.Resource@nrc.gov or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this action please contact me at (301) 415-6822 or via e-mail at amy.snyder@nrc.gov.

Sincerely,



Signed by Snyder, Amy
on 11/05/21

Amy Snyder, Senior 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

Enclosures:

1. Amendment No. 33 to
License No. CSF-1
2. Safety Evaluation

cc w/enclosures: West Valley Listserv
Janice Dean, NYSERDA (janice.dean@nyserda.ny.gov)
Bryan Bower, DOE-WVDP (bryan.bower@emcbc.doe.gov)
Moir Maloney, DOE-WVDP (moira.maloney@emcbc.doe.gov)
Daniel Evans, NYSDEC (daniel.evans@dec.ny.gov)
Alex Damiani (alex.damiani@dec.ny.gov)
Robert Dansereau, NYSDOH (robert.dansereau@health.ny.gov)
Oleg Povetko, EPA-RII (povetko.oleg@epa.gov)
Ariel Iglesias, EPA-RII (iglesias.ariel@epa.gov)
Matthew Pagels, SNI (matthew.pagels@sni.org)



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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

DOCKET NO. 50-201

WESTERN NEW YORK NUCLEAR SERVICE CENTER

AMENDMENT TO PROVISIONAL OPERATING LICENSE

Amendment No. 33
License No. CSF-1

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Western New York Nuclear Service Center (WNYNSC or the facility) Provisional Operating License No. CSF-1, filed by the New York State Energy Research and Development Authority (NYSERDA or the licensee), dated February 6, 2020, as supplemented by letters dated March 11, 2020, October 28, 2020, July 15, 2021, and e-mails dated September 10, and October 12, 2021, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in Title 10 of the *Code of Federal Regulations* (10 CFR) Chapter I;
 - B. The facility will operate in conformity with the application, as supplemented, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The licensee is technically and financially qualified to engage in the activities authorized by this amendment;
 - E. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - F. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, by Amendment No. 33, Provisional Operating License No. CSF-1 is hereby amended to include the following License Condition as paragraph 5.E:

E. Retained Premises Radiation Protection

- (1) As the sole licensee under provisional operating license CSF-1 for the Retained Premises [i.e., the non-West Valley Demonstration Project (WVDP), non-State Licensed Disposal Area (SDA) portions of the Western New York Nuclear Service Center (WNYNSC)], NYSERDA provides for radiation protection in accordance with NRC regulation 10 CFR Part 20: Standards for Protection Against Radiation and in keeping with the ALARA (As Low As Reasonably Achievable) philosophy.
- (2) NYSERDA will implement the radiation protection program (Retained Premises Radiation Protection Plan (RP-RPP500)) to keep doses to workers and the public both ALARA, and in compliance with the 10 CFR Part 20 requirements for radiation protection.
- (3) For activities performed within the Retained Premises, the requirements and topical procedures described in RP-RPP500, as approved, supersede and replace radiation protection program requirements described in the Final Safety Analysis Report (FSAR) referenced herein.
- (4) NYSERDA will maintain RP-RPP500 and the associated procedures in accordance with the requirements in 10 CFR Part 20, Subpart B, Radiation Protection Programs. Changes to RP-RPP500 or associated procedures will be documented, reviewed, and approved by the licensee's Radiation Safety Committee prior to implementation.
- (5) Prior to assuming responsibility of any of the WVDP facilities or site areas (when the U.S. Department of Energy returns oversight of the WVDP to NYSERDA), NYSERDA will submit to NRC a license amendment request that will include, as appropriate, an updated Radiation Protection Plan. NYSERDA will not conduct activities in any portion of the site returned to NYSERDA control by DOE until the NRC has approved a license amendment that includes an updated Radiation Protection Plan.

3. This license amendment is effective upon issuance and shall be implemented within 60 days of the effective date.

FOR THE NUCLEAR REGULATORY COMMISSION



Signed by Watson, Bruce
on 11/05/21

Bruce A. Watson, CHP, Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Date of Issuance: November 5, 2021



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

SAFETY EVALUATION BY

THE OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

RELATED TO AMENDMENT NO. 33

PROVISIONAL OPERATING LICENSE NO. CSF-1

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

WESTERN NEW YORK NUCLEAR SERVICE CENTER

DOCKET NO. 50-201

1.0 INTRODUCTION

By letter dated February 6, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20042D497), the New York State Energy Research and Development Authority (NYSERDA, the licensee) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for an amendment to its provisional operating license (POL), NRC Provision Operating License No. CSF-1, in accordance with the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.90, "Application for amendment of license, construction permit, or early site permit." On March 11, 2020 (ADAMS Accession No. ML20076C310), NYSEDA resubmitted the amendment application to address the requirements of 10 CFR 50.30, "Filing of application for licenses; oath or affirmation." The NRC staff completed an initial review of the resubmitted license amendment application on March 30, 2020 (ADAMS Accession No. ML20084G641) and identified areas in which more information was necessary to complete the acceptance review. NYSEDA responded with this additional information by letter dated October 28, 2020 (ADAMS Accession No. ML20311A200). On July 15, 2021 (ADAMS Accession No. ML21202A212), NYSEDA supplemented the application in response to NRC staff requests for additional information that were transmitted by letter dated June 3, 2021 (ADAMS Accession No. ML21118A076). By e-mails dated September 10 (ADAMS Accession No. ML21281A019 (Pkg)) and October 12, 2021 (ADAMS Accession. No. ML21286A001), NYSEDA provided final clarification information related to the proposed changes.

In the application, as supplemented, NYSEDA "proposes changes to the POL and requests approval of a new radiation protection plan to serve as a radiation protection program for the area known as the NRC "Retained Premises"—the licensed area consisting of the WNYNSC not including the DOE West Valley Demonstration Project premises and the SDA—hereinafter simply referred to as the "Retained Premises." NYSEDA states that the need for the license amendment is "... to provide clarity regarding NYSEDA's health and safety responsibility under the NRC License No. CSF-1" and "...to modernize the radiation protection portions of the license and greatly simplify NYSEDA's radiation protection requirements."

In its application, NYSERDA requests that the license be amended to:

- 1) Add a license condition that provides clarity regarding NYSERDA's authorities and responsibilities for the radiological health and safety of individuals on the Retained Premises.
- 2) Add license conditions requiring implementation of a new Retained Premises Radiation Protection Plan (RP-RPP500) that will meet 10 CFR Part 20 radiation protection requirements and will supersede and replace radiation protection program requirements described in the FSAR as they relate to activities performed within the Retained Premises.
- 3) Have the RP-RPP500, once approved by the NRC, be as a separate, standalone licensing basis document.

The NRC staff notes that the current POL No. CSF-1 that includes the approved radiation protection program and the associated technical specifications² are available for public review at ADAMS Package Accession No. ML21042A945. Amendment No. 31 (ADAMS Accession No. ML053000203), placed portions of the license in abeyance, as explained above, but did not place the radiation protection portions of the license in abeyance. The POL was written in the early 1960s and incorporated specific radiation protection requirements, some of which are no longer applicable due to the major revision of NRC radiation protection requirements since then. Licensees are required to conduct activities in accordance with their licenses and the current regulations. Since its issuance, the licensee was never amended to address radiation protection program requirements. Further, at the time of License Amendment No. 31, the NRC did not anticipate that work in contaminated, or potentially contaminated areas, would be needed to be performed in the retained premises. In addition, the term "facility," as used in License Amendment 31, refers to both the part of the site that has since been turned over to the U.S. Department of Energy (DOE) (now commonly referred to as the West Valley Demonstration Project (WVDP) site) and the portion of the site that NYSERDA currently retains control over, which NYSERDA now refers to as the "Retained Premises." For clarity, in this Safety Evaluation Report (SER) the portion of the site, or "facility," under consideration for this licensing action is the Retained Premises.

The NRC has concluded that approval of this amendment request results in a no significant hazards consideration determination because operation of the facility in accordance with the proposed amendment would not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite; or would not involve significant increase in individual or cumulative public or occupational radiation exposure; or would not involve a significant reduction in a margin of safety. The supplemental letters dated March 11, 2020, October 28, 2020, and July 15, 2021, and e-mails dated September 10, and October 12, 2021, provided additional information that clarified the application, but did not expand the scope of the application as originally noticed, or change the NRC's original proposed no significant hazards consideration determination as published in the *Federal Register* (FR) on March 10, 2021 (86 FR 13762).

² The technical specifications are in abeyance along with the conditions contained in the amendment to this license for special nuclear materials safeguards, and certain reporting requirements such as for plant effluent monitoring.

As discussed below, the NRC staff has reviewed the NRC Retained Premises RPP, as supplemented, to evaluate whether the proposed changes meet the standards of 10 CFR Part 20, "Standards for Protection Against Radiation," for the purpose of providing a radiation protection program for the Retained Premises that would provide reasonable assurance of the continued protection of public health and safety and the environment. The supplemental submittals, received July 15, 2021, and thereafter, noted above, collectively contain the version of the Retained Premises RPP upon which the NRC staff based its final review.

2.0 REGULATORY EVALUATION

2.1 Regulatory Requirements

Part 20 of Title 10 of the CFR, establishes the standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC. These regulations control the receipt, possession, use, transfer, and disposal of licensed material in such a manner that the total dose to an individual (including doses resulting from licensed and unlicensed radioactive material and from radiation sources other than background radiation) does not exceed the standards for protection against radiation prescribed in the 10 CFR Part 20 regulations.

Subpart B, "Radiation Protection Programs," of 10 CFR Part 20 requires each licensee to develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of 10 CFR Part 20. Section 1101 of 10 CFR 20, "Radiation protection programs," also requires the licensee to use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

2.2 Guidance

The NRC staff's technical review of the proposed Retained Premises RPP is based on the applicable portions of NUREG-1520, "Standard Review Plan for Fuel Cycle Facilities License Applications," Revision 2 (ADAMS Accession No. ML15176A258). NUREG-1520 addresses the longstanding health, safety, and environmental-protection requirements of Title 10, "Energy," of the *Code of Federal Regulations* (10 CFR) Part 20, "Standards for Protection against Radiation," and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," as well as the accident-safety requirements reflected in Subpart H, "Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material," of 10 CFR Part 70. The NRC staff used the acceptance criteria in Chapter 4, "Radiation Protection," of NUREG-1520, which has a basis in 10 CFR Part 20, as a means for evaluating the acceptability of NYSERDA's license amendment request.

NUREG-1520, Revision 2 was determined to be acceptable for the Retained Premises because this guidance document addresses Part 20 radiological protection requirements. Although this guidance explicitly states that it does not apply to reprocessing facilities, in the absence of guidance for licensing actions such as the proposed WNYNSC licensing action, the NRC staff determined that this guidance is appropriate for determining whether the applicant meets Part 20 requirements that are germane to a Part 50 POL for reprocessing plant licensing actions applicable to the Retained Premises as defined by NYSERDA. NUREG-1520 provides

appropriate guidance for the types of activities that NYSERDA is licensed to conduct and the materials that are present on the Retained Premises.

This evaluation assesses the applicant's compliance with the requirements of 10 CFR Part 20, "Standards for Protection Against Radiation." Further, because NYSERDA is a Part 50 licensee, those acceptance criteria based upon requirements only in 10 CFR Part 70 presented in NUREG-1520 are not applicable and therefore not used by the NRC staff. Also, the NRC staff notes: (1) the fuel cycle facility portion of the licensed facility is now in a permanently shut-down and decommissioning condition under DOE; (2) the proposed WNYNSC Retained Premises RPP only applies to the NYSERDA retained premises and does not apply to the State Licensed Disposal Area or the DOE-WVDP, and (3) although the RPP for the current license is not in abeyance, the licensee would need to amend it to the current requirements of 10 CFR Part 20 before doing work in areas that might contain radiation or that are currently known to contain radiation.

The NUREG-1520 guidance specifies that the NRC staff will review an applicant's commitments regarding the following components of the radiation protection program

1. Establish, maintain, and implement a radiation protection program.
2. Keep occupational exposures to radiation ALARA.
3. Appoint radiological protection staff who are suitably qualified and trained in radiation protection procedures.
4. Prepare written radiation protection procedures and radiation work permits (RWPs).
5. Train employees in radiation protection, including the health protection problems associated with exposure to radiation, precautions and procedures to minimize exposure, and the purposes and functions of protective devices employed.
6. Design and implement programs to control airborne concentrations of radioactive material by using ventilation systems, containment systems, and respirators.
7. Conduct radiation surveys and monitoring programs to document radiation levels, concentrations of radioactive materials in the facility, and occupational exposures to radiation by workers.
8. Maintain additional programs, including: (1) a records maintenance program, (2) a corrective action program, (3) a waste management program, and (4) a program for reporting to the NRC in accordance with the requirements in 10 CFR Part 20.

The NRC staff evaluated the submittal against the above criteria.

3.0 TECHNICAL EVALUATION

3.1 Proposed Changes

The license amendment request, as supplemented, specifically requests NRC approval of NYSERDA's RP-RPP500, "Retained Premises Radiation Protection Plan," which is proposed to clarify the applicable regulations of a radiation protection program for the Retained Premises of

the WNYNSC site. This plan will be referenced in Provisional Operating License CSF-1, and is proposed as the RPP pertaining to the Retained Premises of the WNYNSC (3,300 acres) and, specifically, to that portion of the site not associated with either the WVDP (167 acres) or the State Licensed Radioactive Waste Disposal Area (15 acres). Specifically for the Retained Premises, the licensee requests that the RP-RPP500 would supersede the radiation protection requirements contained in the Final Safety Analysis Report (FSAR), which is currently referenced in the license, because the radiation protection provisions contained within the FSAR: (1) have not been updated since 1964; (2) were intended to apply to the irradiated nuclear fuel processing plant (which is not considered part of the retained premises); (3) are not appropriate for the planned activities in the relatively undeveloped areas of the retained premises; and (4) contain requirements that are out of date and difficult to apply to the activities proposed to be conducted by NYSERDA in the retained premises portion of the site.

The licensee indicates that its submittal contains the radiation protection requirements that will ensure regulatory compliance for the activities it intends to perform in the retained premises in radiologically contaminated or potentially radiologically contaminated areas. The licensee notes that the retained premises constitute generally undeveloped or open land portions of the property which may contain contamination from previous West Valley processes or ongoing WVDP work. However, there are currently no ongoing licensed operations in these areas. The licensee identified that currently only general grounds maintenance activities are being conducted in these areas. Other routine maintenance activities that the licensee stated it expects to be performed within the retained premises include tree removal (to include tree removal in one of the main streams that traverses the entire WNYSC), fence repair, foliage trimming or removal, environmental monitoring, utility work (including subsurface work), etc.

The work activities presently planned on the retained premises that will involve soil disturbance were described in an NYSERDA letter to NRC titled "Response to NRC Request for Additional Information Regarding Activities on the Western New York Nuclear Service Center Retained Premises," dated August 3, 2016 (ADAMS Accession No. ML18283A057). Additional work activities that may be conducted include environmental sampling, utility work (including construction, inspection, maintenance, and repair), and other inspection and maintenance activities. As discussed in the August 3, 2016, letter, NYSERDA uses a work planning and control process to evaluate and authorize all NYSERDA-managed work activities within the retained premises. These processes are used to determine the radiological status of the areas before NYSERDA allows activities to be performed in these areas. The proposed RPP would supersede the August 3, 2016, letter as Section 8 of the RPP, "Radiological Safety Evaluation and Work Controls," states that a radiation safety evaluation (RSE) will be completed for any upcoming work planned in the restricted area of the retained premises.

NYSERDA has previously identified: (1) areas of the retained premises that have radioactive contamination at levels above background or fallout levels, (2) areas of the retained premises that may contain radioactive contamination at levels above background or fallout levels, and (3) areas of the retained premises where there is no reasonable expectation for residual radioactivity in excess of background or fallout levels. This information was used to prepare the Restricted Areas Map shown in the August 3, 2016, letter referenced above, and will be used in support of future work planning and control processes. The licensee stated that implementation of the proposed radiation protection program and these work controls would ensure that the radiation protection requirements in 10 CFR Part 20 will be met for the retained premises.

Prior to performing work in the retained premises where radioactive materials may be encountered in unknown concentrations, the proposed RPP requires the performance of

surveys to determine the magnitude and extent of radiation levels, concentrations or quantities of radioactive material present in the work area, and the potential radiological hazards involved in the work. NYSERDA will use the resulting hazard identification information to create safety documentation specifically prepared for the task. In keeping with the ALARA principle, the RPP also requires that all items released from a radiation work area will be monitored for contamination and decontaminated as necessary prior to release.

Due of the nature of NYSERDA's anticipated retained premises operations, the proposed RPP contains radiation protection commitments that the NRC staff finds commensurate with the expected hazards and operations in the retained premises. However, the NRC staff notes that significant revision to the RPP will likely be necessary in the future when NYSERDA resumes responsibility for the facilities that are currently part of the WVDP under DOE jurisdiction per license amendment 31. As such, the NRC staff limited its review to the current proposed RPP while also establishing a license condition that the RPP be revised and submitted for regulatory approval prior to NYSERDA reassuming responsibility for the entire WNYSC NRC licensed site or portions of it (portions that are currently designated WVDP facilities or areas) and that NYSERDA will not conduct activities in any portion of the site returned to NYSERDA control by DOE until the NRC has approved a license amendment that includes an updated Radiation Protection Program. This will ensure that the proposed RPP will not be applicable to of any the property beyond or outside of the retained premises.

3.2 Technical Evaluation Criteria

The NRC staff reviewed the proposed RPP against the applicable acceptance criteria in Chapter 4 of NUREG-1520 to ensure that the RPP addresses each of the areas of concern for a radiation protection program commensurate with the expected scope of activities in the retained premises. Specifically, the NRC staff used each of the acceptance criteria for radiation protection program elements from NUREG-1520 and cited the text in the RPP that addresses the topic, where applicable. If the acceptance criteria were not applicable, the NRC staff's evaluation notes where that is the case. The results of this review are provided in the following sections.

The NRC staff recognizes that there is no specific guidance available for review of reprocessing facilities and that NUREG-1520 was intended for fuel cycle facilities licensed in accordance with 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," as opposed to facilities such as the West Valley site (which is a 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," licensee). For this reason, that acceptance criteria in NUREG-1520 based solely on Part 70 requirements would not be applicable to this review. However, because the West Valley site, and the retained premises of the WNYNSC in particular, is unique among 10 CFR Part 50 licensees, the NRC staff believes the 10 CFR Part 70 radiation protection program guidance contained in NUREG-1520, with selected omissions, was the most applicable for use in conducting the review of the proposed RPP. NUREG-1520, Revision 2 was determined to be acceptable for the Retained Premises because this guidance document addresses Part 20 radiological protection requirements. Although this guidance explicitly states that it does not apply to reprocessing facilities, in the absence of guidance for licensing actions such as the proposed WNYNSC licensing action, the NRC staff determined that this guidance is appropriate for determining whether the applicant meets Part 20 requirements that are germane to a Part 50 POL for reprocessing plant licensing actions applicable to the Retained Premises as defined by NYSERDA. NUREG-1520 provides appropriate guidance for the types of activities that NYSERDA is licensed to conduct and the materials that are present on the retained premises.

3.2.1 Commitment to a Radiation Protection Program

The applicant's radiation protection program will be acceptable if it includes:

1. A documented management commitment to keep exposures ALARA.
2. A trained and qualified radiation protection organization with independence from the facility's operations, well-defined responsibilities, and sufficient authority to carry out those responsibilities.
3. Adequate facilities, equipment, and procedures to effectively implement the program.
4. The review, at least annually, of the radiation protection program's content and implementation, as required by 10 CFR 20.1101(c). The review should consider facility changes, new technologies, and other process enhancements that could improve the effectiveness of the overall program.

3.2.2 NRC Staff Evaluation of the Commitment to a Radiation Protection Program

Section 4.1, "NYSERDA Management," and Section 5, "ALARA Policy," of the proposed RPP contain commitments from NYSEERDA to keep exposures to radiation and radioactive material on or from the retained premises ALARA.

Section 4.3, "Radiation Safety Officer," of the proposed RPP states that a Radiation Safety Officer (RSO) will oversee the day-to-day implementation of the radiation protection program. The RSO has direct access to the NYSEERDA West Valley Site Management Program (WVSMP) Director and the Radiation Safety Committee (RSC) in order to address issues affecting radiation protection on the retained premises.

Section 4.2, "Retained Premises Radiation Safety Committee," of the proposed RPP discusses the RSC and states that the RSC is responsible for developing radiation safety policies and exercising effective oversight of the RPP in accordance with the applicable regulations. The RSC members include middle managers from across the WVSMP and NYSEERDA's senior manager based at West Valley. NYSEERDA maintains that this will provide broad perspective and oversight beyond the manager responsible for the proposed activities in the retained premises. Appendix A, "WVSMP Organizational Charts," of the proposed Retained Premises RPP includes a Retained Premises Radiation Protection Organizational Chart, as well as a WVSMP Organizational Chart, which indicates those managers that are on the RSC. Appendix B, "Position Descriptions and Minimum Qualifications for Participation in the NYSEERDA RP-RPP," of the proposed RPP describes the responsibilities of the various radiation-protection-impacting positions and minimal qualifications for the positions held. The managerial positions typically require a minimum of a bachelor's degree in a field related to their responsibilities and several years of experience.

Section 4.1 of the proposed RPP also states that management will provide the resources and support the policies, direction, and recommendations of the RSC needed to establish a radiation protection program that is compliant with 10 CFR Part 20. These resources include equipment (e.g., instruments, materials, and equipment), qualified personnel, training, and the procedures

needed to develop and implement the RPP. The resources may be provided by contract organizations or directly by NYSERDA. Appendix D, "Topics Proceduralized," of the proposed Retained Premises RPP includes a listing of radiation protection related topics that have already been proceduralized at NYSERDA.

Section 4.4, "Radiation Safety Support Contractor," of the proposed RPP discusses the radiation safety support contractor. NYSERDA states that the remaining staff, equipment, and other resources needed to implement the RPP will be provided through a radiation safety support contractor. The radiation safety support contractor provides radiation safety technicians, equipment, laboratory services, and health physics support. The radiation safety support contractor also conducts field activities, such as routine radiation surveys, and is available to implement radiation safety activities for nonroutine projects such as fence repair, utility maintenance or repair, or tree removal in the retained premises.

Section 4.2 of the proposed RPP discusses the RSC and states that "the RP-RSC will also conduct, or cause to be conducted, an annual audit of the content and implementation of the RP-RPP, as required under 10 CFR 20.1101, "Radiation protection programs," and as specified in NYSERDA's implementing procedure RP-RPP003, "Annual Retained Premises Radiation Protection Audit." Section 19.3, "Annual Review of the Radiation Protection Program," of the proposed RPP also states that NYSERDA will arrange to be conducted, on an annual basis, a formal review of the radiation protection program content and implementation. Generally, this review will be conducted by a person independent of the Radiation Protection Organization. It is expected that the annual review will focus on different portions of the RPP every year, such that the entire RPP is reviewed on a three-year cycle. Any areas of noncompliance with the provisions of the RPP or regulatory requirements, or safety significant deficiencies will be addressed through the NYSERDA corrective action program.

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that a radiation protection program sufficient for the retained premises will exist, be periodically reviewed and updated, and appropriately staffed.

3.2.3 Commitment to an ALARA Program

The applicant's ALARA program will be acceptable if it includes:

1. Establish a written, comprehensive, and effective ALARA program.
2. Prepare policies and procedures to ensure that occupational radiation exposures are maintained ALARA and that such exposures are consistent with the requirements of 10 CFR 20.1101.
3. Outline specific ALARA program goals, establish an ALARA program organization and structure, and include written procedures for its implementation in the facility design and operations.
4. Establish an ALARA committee or equivalent organization with sufficient staff, resources, and clear responsibilities to ensure that the occupational radiation exposure does not exceed the dose limits of Part 20 under normal operations.

5. Use the ALARA program as a mechanism to facilitate interaction between radiation protection and operations personnel.
6. Regularly review and revise, when appropriate, the ALARA program goals and objectives and incorporate, when appropriate, new approaches, technologies, operating procedures, or changes that could reduce potential radiation exposures at a reasonable cost.

3.2.4 NRC Staff Evaluation of the Commitment to an ALARA Program

Section 5 of the proposed RPP addresses NYSERDA's ALARA policy and program. In this section, NYSERDA states that "the RP-RSC will review work activities planned for the retained premises to assure that every reasonable effort to maintain exposures to radiation are as low as reasonably achievable, and in compliance with 10 CFR Part 20. Work activities conducted in restricted areas of the retained premises are evaluated using a formal Radiological Safety Evaluation (RSE) process, and any required work controls are implemented through a RWP process, as described in NYSERDA's detailed implementing procedure RP-RPP007, "Retained Premises Radiological Safety Evaluations and RWPs."

NYSERDA further notes that there are presently no operating systems on the retained premises and no active sources of emissions to the air. If any operating systems are constructed or mitigation work is initiated on the retained premises that could result in the emission of radioactive material to the air, NYSERDA will ensure that those work activities are conducted in a manner that will meet the requirements of 10 CFR 20.1101(d). Examples of measures that could be implemented include the use of engineered emission controls and applying water or fixatives to suppress dust emissions, as discussed in Section 11.2, "Engineering Controls," of the proposed RPP.

In Section 8, "Radiological Safety Evaluation and Work Controls," of the proposed RPP, NYSERDA states that it will use procedures, work controls, and engineering controls (if needed) based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are ALARA. All work in the retained premises restricted area requires the completion of an RSE. Based upon the results of the RSE, an RWP may or may not be required. In accordance with Section 8.2, "Radiological Work Permits," of the proposed Retained Premises RPP, RWPs are prepared by the RSO and, as previously discussed, the RSO has direct access to the site manager and RSC.

Given the limited nature of operations in the retained premises and the minimal staffing levels anticipated, the NRC staff evaluated the above information contained in the proposed Retained Premises RPP and determined, in this case, that the RSC and RSO provide adequate oversight and interactions with expected operations (maintenance, security and sampling) personnel with respect to ALARA, and that the RSC can serve as an adequate ALARA program organization. Therefore, the NRC staff determined that there is an adequate commitment to an ALARA program for the retained premises of the WNYNSC.

3.2.5 Organization and Personnel Qualifications

The applicant's Radiation Protection Organization and Personnel Qualifications will be acceptable if the applicant provides data and information in the license application that meet each of the following commitments to:

1. Appoint radiation protection personnel and identify their authority and responsibilities for implementing the radiation protection program functions.
2. Establish clear organizational relationships among the individual positions responsible for the radiation protection program and other line managers.
3. Appoint a suitably educated, experienced, and trained radiation protection program director (typically referred to as the radiation safety officer) who: (1) has direct access to the facility manager, (2) is skilled in the interpretation of data and regulations pertinent to radiation protection, (3) is familiar with the operation of the facility and radiation protection concerns of the site, (4) participates as a resource in radiation safety management decisions, and (5) will be responsible for establishing and implementing the radiation protection program.
4. Describe the minimum education, experience, and training requirements for the radiation protection program director and staff.

3.2.6 NRC Staff Evaluation of Organization and Personnel Qualifications

Sections 4.1, 4.2, 4.3, and 4.4 of the proposed RPP describe the role and responsibilities of NYSERDA management, the RSC Committee, the RSO, and the Radiation Safety Support Contractor, respectively. As previously discussed, Appendix A of the proposed RPP provides line chart organizations for the “NYSERDA Retained Premises Radiation Protection Organization” and the “West Valley Site Management Program Organization.” Appendix B contains the position descriptions and minimum qualifications for the pertinent positions for implementing the RPP. Of note, the NYSERDA RSO will have responsibility for implementing the RPP. The specific duties and responsibilities of the RSO include:

- surveys of all areas in which radioactive material is present or suspected
- preparation of RSEs and RWPs
- determining the need for and evaluating the results of bioassays
- monitoring personnel exposure records
- developing corrective actions for those exposures approaching maximum permissible limits
- arranging or otherwise providing for radiation safety training of all personnel
- monitoring inventory and leak tests of sealed sources
- overseeing decontamination
- responding to emergencies and working with emergency responders on radiation safety issues
- maintaining all required records

The RSO (and any worker) has independent authority to immediately terminate an unsafe practice or work activity with unchallenged authority and without prior coordination with the RSC or NYSERDA management. The proposed RPP also states that the RSO shall be minimally qualified through having a bachelor’s degree or equivalent training and experience in physical, chemical, biological sciences, or engineering. The RSO shall also have a minimum of three years’ experience in health physics practices, including:

- radiation protection principles
- characteristics of ionizing radiation

- units and quantities of radiation dose
- radiation detection instrumentation
- biological hazards of exposure to radiation (appropriate to types and forms of byproduct material to be used)
- NRC regulatory requirements and standards

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that the organization and personnel qualifications are sufficient for the anticipated operations that will occur in the retained premises.

3.2.7 Commitment to Written Procedures

The applicant's commitment to written procedures will be acceptable if the applicant provides data and information in the license application that meet each of the following commitments to:

1. Prepare written, approved procedures to carry out activities related to the radiation protection program. Procedures should address applicable radiation protection requirements found in 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigation," Part 20, Part 70, and Part 71, "Packaging and Transportation of Radioactive Material," and any other applicable regulations.
2. Establish a process for procedure generation or modification, authorization, distribution, and training, such that changes in technology or practices are communicated effectively and in a timely manner. Review and revise procedures, as necessary, to incorporate any facility or operational changes. The radiation safety officer, or an individual who has the qualifications of the radiation safety officer, should approve all procedures related to radiation protection.
3. Specify written, approved RWPs for activities involving licensed material that are not covered by written radiation protection procedures. RWPs should define the authorized activities, the level of approval required (a radiation specialist, as a minimum), information requirements, period of validity, expiration and termination times, and recordkeeping requirements.

3.2.8 NRC Staff Evaluation of the Commitment to Written Procedures

Section 6, "Use of Plans and Procedures," of the proposed RPP discusses the use of plans and procedures. In this section, NYSERDA commits to implementing procedures developed to keep doses to workers and the public both ALARA, and in compliance with the NRC standards for radiation protection. The RPP was developed under the guidance and with the approval of an RSC, and will be implemented under the oversight of a qualified RSO. A current list of the Retained Premises Radiation Protection Program procedures used to implement the RPP are provided in Appendix D of the Retained Premises RPP. As noted in Section 4.2 of the RPP, all members of the RSC review and approve, by signature, the original version of the RPP and all implementing procedures that flow from it, as well as revisions to those documents.

Section 8.2 of the proposed RPP discusses RWPs. In this section, NYSERDA states that RWPs are prepared by the RSO, signed by the project manager in charge of the work activity, and approved by the RSC as part of the work instruction package for the work activity. RWPs

can be modified only through review and approval by the RSC. The RPP also states that RWPs shall include the following information:

- purpose
- current or anticipated radiological conditions in the work area (from the RSE)
- personal protective equipment (PPE) requirements
- monitoring requirements
- limiting conditions established to protect the workers
- approval signatures
- special instructions

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that the commitments for written procedures and the RWP program, as described in the RPP, are sufficient for the scope of operations anticipated in the retained premises.

3.2.9 Radiation Safety Training

The applicant's radiation safety training will be acceptable if the applicant provides data and information in the license application that meet each of the following commitments to:

1. Design and implement an employee radiation protection training program that complies with the requirements of 10 CFR Part 19 and Part 20.
2. Provide training to all personnel and visitors entering restricted areas that is commensurate with the health risk to which they may be exposed, or provide escorts who have received the appropriate training.
3. Provide a level of training commensurate with the potential radiological health risks associated with that employee's work responsibilities.
4. Conduct refresher training, at least every three years that will accurately address changes in policies, procedures, and requirements.
5. Incorporate into the radiation protection training program the provisions in 10 CFR 19.12, "Instruction to workers," and additional relevant topics, such as the following (the asterisk denotes those topics with a basis in 10 CFR 19.12):
 - a. correct handling of radioactive materials
 - b. the storage, transfer, or use of radiation or radioactive material as relevant to the individual's activities*
 - c. minimization of exposures to radiation or radioactive materials*
 - d. access and egress controls and escort procedures
 - e. radiation safety principles, policies, and procedures*
 - f. monitoring for internal and external exposures
 - g. radiation exposure reports available to workers*
 - h. monitoring instruments
 - i. contamination control procedures, including protective clothing and equipment*
 - j. ALARA and exposure limits*
 - k. radiation hazards and health risks*

- l. emergency response*
 - m. responsibility to report promptly any condition that may lead to, or cause, a violation of regulations and licenses or create unnecessary exposure*
6. Review and evaluate the accuracy, effectiveness, and adequacy of the radiation protection training program curriculum and instructors, as applicable, at least every three years.

3.2.10 NRC Staff Evaluation of Radiation Safety Training

Section 7, "Training," of the proposed RPP discusses training. In this section, NYSERDA commits to providing radiation safety training for all individuals who will conduct work activities under the scope of the RPP. The radiation safety training will be provided in part by DOE-WVDP, supplemented with training provided by NYSERDA. The application requires three levels of training for personnel requiring unescorted access in the restricted areas of the retained premises: Radiological Worker Training (RWT) Level I and Level II, as well as the use of a Retained Premises Briefing. Only the RWT Level II training is for individuals who will conduct hands-on work in radiation and contamination areas of the retained premises.

As noted in Section 7.2, "Training Topics," of the proposed RPP, the training provided by DOE-WVDP will address a broad range of radioactive material and radiation safety fundamentals, including health protection problems associated with exposure to radiation and/or radioactive material, precautions or procedures to minimize exposure, and the purposes and functions of protective devices employed. This training will also include response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material. NYSERDA will provide a supplement to the DOE-WVDP training that will inform workers of the following:

- radiological exposure limits, administrative limits, and ALARA considerations
- worker's responsibility to report promptly to the licensee any condition which may lead to or cause a violation of NRC regulations and license, or unnecessary exposure to radiation and/or radioactive material
- the storage, transfer, or use of radiation and/or radioactive material (i.e., a current description of radiological conditions on the retained premises)
- the radiation exposure reports that workers may request pursuant to 10 CFR 19.13, "Notifications and reports to individuals"
- radiation protection requirements specific to the license and NRC regulations

As discussed in Section 7.3, "Training Verification and Testing," of the proposed RPP, RWT Level I and Level II workers must satisfactorily pass an examination every two years to demonstrate their knowledge and understanding of the radiation training topics that apply to their radiation worker category. In the intervening years, the radiation worker must read a briefing package and provide a signed acknowledgment that the briefing was completed. Considering the self-study briefing every second year, there is a component of radiation protection training that is completed every twelve months. The Retained Premises Briefing will include a summary of the work history of the area, the surveys that were done to determine that the work controls identified are appropriate for the work area, and the additional surveys and instrumentation that may be used by radiation safety personnel as the work proceeds.

In addition, as noted in Section 7.5, "Review and Update of Training," of the proposed NYSERDA RPP, NYSERDA commits to assessing and modifying the radiation safety training program at least every three years to incorporate changes in facilities or work practices, as appropriate.

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that the commitments for radiation safety training, as described in the RPP, are sufficient for the scope of operations anticipated in the retained premises.

3.2.11 Ventilation and Respiratory Protection Programs

The applicant's ventilation and respiratory protection programs will be acceptable if the applicant provides data and information in the license application that meet each of the following commitments to:

1. Install appropriately sized ventilation and containment systems in areas of the facility identified as having potential airborne concentrations of radionuclides that could exceed the occupational derived air concentration values specified in 10 CFR Part 20, Appendix B, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage," during normal operations. Air flow in buildings housing these operations should be directed toward the area(s) of highest potential contamination.
2. Describe management measures, including preventive and corrective maintenance and performance testing, to ensure that the ventilation and containment systems operate when required and are within their design specifications.
3. Describe the operations criteria for the ventilation and containment systems, including minimum flow velocity at openings in these systems, maximum differential pressure across filters, and types of filters to be used.
4. Describe the frequency and types of tests to measure the performance of ventilation and containment systems, the acceptance criteria, and the actions to be taken when the acceptance criteria are not satisfied.
5. Establish a respiratory protection program that meets the requirements of Subpart H, "Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas," of 10 CFR Part 20.
6. Prepare written procedures for the selection, fitting, issuance, maintenance, testing, training of personnel, monitoring, and recordkeeping for individual respiratory protection equipment and for specifying when such equipment is to be used.
7. Revise the written procedures for the use of individual respiratory protection equipment, as applicable, when making changes to the facility or the equipment.
8. Maintain records of the respiratory protection program, including training in respirator use and maintenance.

3.2.12 NRC Staff Evaluation of Ventilation and Respiratory Protection Programs

NYSERDA notes, in Section 11.2 of the proposed RPP, that there are no operational or engineered systems or features within the restricted area of the retained premises, and the only radioactive material that may be encountered by individuals working under the RPP to conduct current licensed activities includes contaminated environmental media (soil and sediment). If a work activity in the restricted area, or a soil contamination area, on the retained premises identifies the possibility that an unacceptable amount of dust from contaminated soil or sediment could be generated, or contaminated surface soil could be mobilized by precipitation, engineering controls may be warranted. Engineering measures will be identified in the RWP and would likely include regular wetting of disturbed soil to minimize resuspension and installing berms around work sites to minimize runoff transportation of contamination. HEPA-filtered containment would be used, if appropriate, but it is likely that wetting of the soil or sediment in the work area would provide adequate dust control. In some circumstances, runoff transport or the generation of dust may be prevented by using ground coverings to avoid disturbing soil.

NYSERDA further notes in Section 11.1, "Respiratory Protection," of the proposed NYSERDA RPP that surveys and monitoring, along with records of historical site operations, indicate that there are no conditions present in the retained premises that would require respiratory protection to restrict internal exposure. Regardless, all work activities on the retained premises will be reviewed in accordance with NYSERDA's RSE process, as described in implementing procedure RP-RPP007, and NYSERDA will identify internal exposure hazards, if present. If such conditions on the retained premises are identified, detailed implementing procedures will be prepared, or existing procedures modified, as required to meet the requirements for a respiratory protection program compliant with 10 CFR Part 20, Subpart H. Necessary training and other requirements will be met prior to the RSC approving the work activity.

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that the commitments for ventilation and respiratory protection, as described in the RPP, are sufficient for the scope of activities anticipated in the retained premises.

3.2.13 Radiation Surveys and Monitoring Programs

The applicant's radiation surveys and monitoring program will be acceptable if the applicant provides data and information in the license application that meet each of the following commitments to:

1. Provide radiation survey and monitoring programs that are necessary to comply with the requirements of 10 CFR Part 20 and that are reasonable to evaluate the magnitude and extent of radiation levels, the concentrations or quantities of radioactive material, and the potential radiological hazards.
2. Prepare written procedures for the radiation survey and monitoring programs that include an outline of the program objectives, sampling procedures, data-analysis methods, types of equipment and instrumentation, frequency of measurements, recordkeeping and reporting requirements, and actions to be taken when measurements exceed regulatory limits in 10 CFR Part 20 or administrative levels established by the applicant.

3. Design and implement a personnel monitoring program for external occupational radiation exposures that outlines methods or procedures to do the following:
 - a. identify the criteria for worker participation in the program
 - b. identify the types of radiation to be monitored
 - c. specify how exposures will be measured, assessed, and recorded
 - d. identify the type and sensitivity of personal dosimeters to be used, when they will be used, and how they will be processed and evaluated
 - e. identify the facility's administrative exposure levels or the levels at which actions are taken to investigate the cause of exposures exceeding these levels
4. Design and implement a personnel monitoring program for internal occupational radiation exposures based on the requirements of 10 CFR 20.1201, "Occupational dose limits for adults"; 10 CFR 20.1204, "Determination of internal exposure"; and 10 CFR 20.1502(b) that outlines methods or procedures to do the following:
 - a. identify the criteria for worker participation in the program
 - b. identify the type of sampling to be used, the frequency of collection and measurement, and the minimum detection levels
 - c. specify how worker intakes will be measured, assessed, and recorded
 - d. specify how the data will be processed, evaluated, and interpreted
 - e. identify the facility's administrative exposure levels or the levels at which actions are taken to investigate the cause of exposures exceeding these levels
5. Design and implement an air sampling program in areas of the facility identified as potential airborne radioactivity areas to conduct airflow studies and to calibrate and maintain the airborne sampling equipment in accordance with the manufacturers' recommendations.
6. Implement additional procedures, as may be required by 10 CFR Part 20, to control exposure to airborne radioactive material (e.g., control of access, limitation of exposure times to licensed materials, and use of respiratory protection equipment).
7. Conduct a contamination survey program in areas of the facility most likely to be radiologically contaminated; the program must include the types and frequencies of surveys for various areas of the facility and the action levels and actions to be taken when contamination levels are exceeded.
8. Implement the facility's corrective action program when the results of personnel contamination monitoring exceed the applicant's administrative personnel contamination levels.
9. Implement the facility's corrective action program when any incident results in either unplanned occupational exposures exceeding the facility's administrative limits or unplanned airborne contamination exceeding the applicable concentration in Appendix B to 10 CFR Part 20 for one week. Note that applicants utilizing soluble uranium may be more restricted by the soluble uranium intake limit in 10 CFR 20.1201(e) than the values in Appendix B to 10 CFR Part 20.
10. Use equipment and instrumentation with sufficient sensitivity for the type or types of radiation being measured and calibrate and maintain equipment and instrumentation

in accordance with the manufacturers' recommendations or applicable American National Standards Institute standards.

11. Establish policies to ensure that equipment and materials removed from restricted areas to unrestricted areas are not contaminated above the release levels presented in Appendix A, "Acceptable Surface Contamination Levels," to NRC Regulatory Guide (RG) 8.24, "Health Physics Surveys during Enriched Uranium-235 Processing and Fuel Fabrication" (ADAMS Accession No. ML110400305).
12. Leak-test all sealed sources consistent with direction provided in Appendix C, "Leak Test Requirements," to RG 8.24 or applicable regulations for the materials involved (e.g., 10 CFR 31.5(c)(2) has direction for leak testing of certain byproduct devices).
13. Establish and implement an access control program that ensures that: (1) signs, labels, and other access controls are properly posted and operative, (2) restricted areas are established to prevent the spread of contamination and are identified with appropriate signs, and (3) step-off pads, change facilities, protective clothing facilities, and personnel monitoring instruments are provided in sufficient quantities and locations.
14. Establish a reporting program that is consistent with the requirements of 10 CFR Part 19 and 10 CFR Part 20.

3.2.14 NRC Staff Evaluation of Radiation Surveys and Monitoring Programs

As previously discussed, the primary radiological sources and contamination expected to be encountered in the retained premises are in environmental media (soil or sediment). As such, NYSERDA notes in Section 8.3, "Radiological Surveys and Analytical Data," of the proposed Retained Premises RPP that aerial radiation surveys will be sporadically conducted of the entire WNYNSC property at a frequency sufficient to comply with the 10 CFR Part 20, Subpart F, "Surveys and Monitoring," requirements. The aerial radiation surveys provide an indication of dose rates over broad areas of the WNYNSC site and will be supported by detailed radiation surveys of the specific work location if such surveys do not already exist. If site decommissioning activities that could result in the release of radioactive material to the retained premises are no longer being conducted, the RSC may consider whether it is necessary to continue aerial radiation surveys. If the RSC determines that the likelihood of releases are low and aerial radiation surveys are no longer needed to comply with the requirements of Subpart F, detailed implementing procedure RP-RPP005, "Radiological Surveys on the Retained Premises," will be modified accordingly and approved by the RSC.

Prior to performing work in a restricted area, NYSERDA states that it will consider the need for work area surveys, based on existing aerial radiation surveys, existing surveys of the work area, historical site knowledge, and other relevant data and information. NYSERDA will perform surveys of the work area, if needed, to meet the 10 CFR Part 20, Subpart F requirements and to prepare an RSE and RWP as applicable. If the RSE shows that detailed information is needed for dose rates, specific radionuclides, and concentrations, and that information is not otherwise available, the activity will include surveys and collecting both surface and subsurface soil samples. More specifically, NYSERDA notes that work activities involving soil disturbance will require surveys from the work area in order to complete the RSE.

NYSERDA states in Section 16.1, "External Radiation Exposure," of the proposed Retained Premises RPP that it will assign dosimeters to workers on the retained premises when the job-specific external dose rate exceeds two millirem per hour, or has the potential to exceed 10 percent of the occupational dose limits in 10 CFR 20.1201(a), or a deep-dose equivalent of 0.1 rem for a declared pregnant woman. Based on aerial radiation surveys, work area surveys, and personnel monitoring data, external radiation levels on the retained premises are well below these levels and do not require the use of personnel monitoring for routine work (e.g., perimeter fence line maintenance, vegetation maintenance, etc.). NYSERDA will, however, consider the issuance of external dosimetry for activities on the retained premises on a job-specific basis or for the purpose of collecting confirmatory dose rate information. In order to collect data to confirm compliance with the daily dose limits, an electronic dosimeter can be used to collect data to confirm that retained premises dose limits are orders of magnitude below the levels that would approach the daily limits. Thermoluminescent dosimeters (TLDs) for use on the retained premises will be needed infrequently and will be obtained on a task-specific basis, such that an exchange frequency is not applicable. As noted in Section 16.3, "Processing and Evaluation of Dosimetry Data," of the RPP, TLDs will be processed by a National Voluntary Laboratory Accreditation Program accredited vendor consistent with 10 CFR 20.1501(d). In addition, NYSERDA, in Table 15-1 has established administrative limits which are a fraction of the regulatory criteria.

In Section 16.2, "Internal Radiation Exposure," of the proposed Retained Premises RPP, NYSERDA states that it does not anticipate conditions requiring internal monitoring of exposure to exist on the restricted areas of the retained premises during current anticipated licensed activities. In the event that work is required in a soil contamination area, the licensee commits to completing timely internal dose assessments in accordance with 10 CFR 20.1204, "Determination of internal exposure." These measurements will include at a minimum:

- sampling of the work area to determine the concentrations of the radioactive materials present in air and in soil
- whole body dose monitoring
- pre- and post-work activity bioassay sampling

The sample data will be used to calculate the sum of the ratios of the concentrations to the appropriate DAC value from Appendix B to 10 CFR Part 20 for each radionuclide present in the mixture, or the ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

No routine air sampling program is specified in the proposed Retained Premises RPP except for that associated with air monitoring performed by DOE-WVDP ambient air monitoring stations located on the retained premises. In Section 8.3.2, "WVDP Annual Site Environmental Report and SDA Annual Report," of the RPP NYSERDA states that it will annually evaluate the WVDP Annual Site Environmental Report data provided by DOE for the purpose of evaluating whether there are indications of changed radiological conditions at the WVDP that may also have an impact on the retained premises. In the event that DOE-WVDP ceases to collect or provide environmental data needed to maintain or demonstrate compliance with 10 CFR Part 20, or needed for other requirements of the RPP, NYSERDA will take appropriate actions to collect the needed data independent of the DOE-WVDP environmental monitoring program. The data to be collected independently would be commensurate with NYSERDA's licensed activities at the time. The review of the environmental reports will be documented in an annual memo to file. Significant results will be brought to the attention of the RSC for consideration of follow-up actions.

To assess any needed work area exposure controls, NYSERDA states in Section 8 and Section 8.1, "Radiological Safety Evaluations," of the proposed Retained Premises RPP that all work in the retained premises restricted area requires the completion of an RSE. An RSE is an administrative tool used to evaluate the radiological hazards of the specific retained premises area where upcoming work is planned in order to determine if radiological controls are warranted for the protection of the worker, the public, and/or the environment. The RSO will evaluate available information and will make a determination as to whether work controls, dosimetry, PPE, monitoring, or other measures are required to protect workers from any radiological hazards associated with the work activity. If controls are required, an RWP will be established that will specify the needed controls.

Section 17, "Corrective Action System," of the proposed Retained Premises RPP discusses the corrective action program that will be in place for the retained premises. NYSERDA states that any reportable incident (e.g., those listed under Subpart M, "Reports," of 10 CFR Part 20) will be addressed by NYSERDA through the corrective action system, as will incidents of personnel contamination exceeding the administrative limits of the RPP. The corrective action system will also be used to address any deficiencies impacting safety noted by NYSERDA staff or regulators and will include investigation of root cause(s), identification of corrective action(s), and follow-through to verify the effectiveness of the corrective action(s).

Radiation detection instruments are discussed in Section 9, "Radiation Detection Instruments," of the proposed Retained Premises RPP and in the associated subsections. NYSERDA states that it will use a combination of NYSERDA-owned and contractor-owned radiation detection and quantification instruments and equipment. Equipment will be operated only by individuals who are qualified to use the instrument and will be operated in accordance with the manufacturer's procedures and guidance, as well as specific NYSERDA or contractor procedures, including daily operational/source checks. All radiation detection instruments and equipment used for quantitative radiation measurements will be calibrated annually (at a minimum) as well as following maintenance or repair of the meter. Calibration of instruments will be performed using procedures developed specifically for each instrument type. Calibration sources will be traceable by documented measurements to the National Institute of Standards and Technology sources appropriate for the isotopes and energy ranges of interest. Instruments that fail to meet the calibration requirements or the daily operational/source checks will be tagged, labeled, segregated to prevent inadvertent use, and sent for repair or recalibration.

In Section 8.3.4, "Administrative Limits for Contamination Control," of the proposed Retained Premises RPP, NYSERDA states that it has established contamination control limits that will be applied to the retained premises. These limits, shown in Appendix C, "Administrative Limits for Contamination Control," of the proposed Retained Premises RPP, are the same as those found in Regulatory Guide (RG) 8.24. The NRC staff noted that the proposed administrative limits are not sufficiently comprehensive for the Retained Premises because the release limit for materials and equipment from facilities licensed under 10 CFR Part 50 is "no detectable activity," while the sensitivity of the detection instruments has to be at least consistent with the limits found in RG 8.24. In the supplemental information provided on October 12, 2021, NYSERDA confirmed that its intent is to have the sensitivity of radiological detection instruments be at least that provided in Appendix C to the RPP, while also ensuring that no materials or equipment with detectable radioactivity will be allowed to be released from restricted or soil contamination areas of the site.

NYSERDA addresses leak testing of sealed sources in Section 8.3.5, "Leak Testing of Sealed Sources," of the proposed Retained Premises RPP. NYSERDA states that it has sealed

sources that are used as check sources for the radiation detection instruments. These sources will be leak tested on a semiannual basis through the collection of swipe samples that are counted to confirm that removable contamination is not present on the outside of the sealed source. Leak testing of sealed sources is proceduralized in RP-RPP018, "Source Control on the Retained Premises." The NRC staff noted that the proposed RPP does not have an action limit for leak tests, or a description of what actions NYSERDA would take if the action limit is exceeded. In the supplemental information provided on September 10, 2021, NYSERDA specified an action limit of 0.005 microCuries for leak testing of sealed sources and confirmed that NYSERDA would: (1) report and document any exceedance of the action limit, and (2) appropriately repair or dispose of the source identified as exceeding the action limit.

Posting and labeling requirements are addressed in Section 13.2, "Posting," and Section 13.3, "Labeling," of the proposed Retained Premises RPP, respectively. NYSERDA's detailed implementing procedures will provide posting requirements for radiation areas, high radiation areas, very high radiation areas, soil contamination areas, airborne radioactivity areas, and radioactive material storage areas. Containers requiring labeling, as specified by 10 CFR 20.1904, "Labeling containers," will be affixed with a durable, clearly visible label bearing the standard radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL," which will be detailed in NYSERDA's posting and labeling procedures.

Section 8.3.3, "Access Control Points," of the proposed Retained Premises RPP provides commitments relative to access control points. NYSERDA states that it will establish access control points for work activities in soil contamination and restricted areas. The details of access control points will be identified in the RWP and work instruction package for the specific work activity to be conducted. The access control point will generally be established as a transition point between the soil contamination area and the surrounding restricted area. Depending upon the duration of the task, expected weather conditions, and magnitude of the work activity, the access control point may be as simple as a temporary passageway through the radiation boundary (roped off area) of the soil contamination area with a step-off pad, hand-held frisker, bags for used PPE, clean water, etc. Additional supplies such as a folding table and temporary pop-up tent or canopy may be used, dependent upon the duration of the task and weather conditions. For longer duration activities, the staging area could include more weather-protective and durable structures such as a removable CONEX structure (or other temporary construction shelter or relocatable site building) for donning and doffing PPE, personnel frisking, and storage of PPE and other protective equipment. Non-soil disturbing work in an area without elevated levels of radionuclides in the soil will generally require only administrative access controls. Soil disturbing activities in an area that has elevated levels of radionuclides may require a more formal access control point including a step-off pad, frisking, etc.

Section 16.4, "Reporting," of the proposed Retained Premises RPP discusses the reporting program that NYSERDA will use. NYSERDA's process for the annual reporting of radiation exposure data, including that the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body requires a written report to any individual who was monitored for occupational exposure under the RPP program during the previous year. In accordance with 10 CFR 19.13 and 10 CFR 20.2106, "Records of individual monitoring results," dose reports will be furnished on NRC Form 5, "Occupational Dose Record for a Monitoring Period," or equivalent. In addition, in Section 17 of the proposed RPP, NYSERDA acknowledges that any reportable incident (e.g., those listed under Subpart M of 10 CFR Part 20) will be addressed through the corrective action system.

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that radiation surveys and monitoring programs will occur commensurate to the activities and scope of operations anticipated in the retained premises.

3.2.15 Control of Radiological Risk Resulting from Accidents

1. Accident sequences should be sufficiently described and detailed to allow an understanding of the radiological hazards (e.g., radioactive materials at risk) and the release mechanism.
2. The applicant should provide adequate descriptions of the radiological consequences (i.e., exposure estimates) for credible high and intermediate consequence events. The reviewer should verify that the exposure estimates are reasonable, based on the description and the radioactive materials involved.
3. The applicant should justify the likelihood of the initiating event, its prevention, or mitigation of the results of an accident sequence with high or intermediate consequences, if credited in a questionable or nonconservative manner. If controls are relied on to reduce the likelihood or severity of a high or intermediate consequence accident sequence, they should be identified.
4. Analyses that the applicant has performed should be referenced or identified for potential further review (vertical slice) by the NRC staff.
5. The application should demonstrate the management measures proposed to ensure that safety systems and equipment are available and reliable, when required, by briefly describing both of the following:
 - a. procedures to ensure the reliable operation of engineered controls (e.g., inspection and testing procedures and frequencies, calibration programs, functional tests, corrective and preventive maintenance programs, and criteria for acceptable test results)
 - b. procedures to ensure that administrative controls will be correctly implemented when required (e.g., employee training and qualification in operating procedures, refresher training, safe work practices, development of standard operating procedures, and training program evaluations)
6. The application shall include either of the following:
 - a. an evaluation that demonstrates that public exposures resulting from offsite releases of material are less than 1 rem or 2 milligrams soluble uranium intake
 - b. an emergency plan that includes sufficient detail for responding appropriately to an offsite release of radioactive materials

3.2.16 NRC Staff Evaluation of Control of Radiological Risk Resulting from Accidents

The NRC staff determined that this acceptance criteria is not applicable to the retained premises as the facility is licensed in accordance with 10 CFR Part 50, and the regulations in 10 CFR Part 70 pertaining to accident sequences and other aspects of this acceptance criteria would not apply. As such, the licensee does not need to address this topic. In addition, because the materials in the retained premises are limited to contaminated soil and sediment, there is not sufficiently high risk associated with this material to warrant the effort of creating a set of site-specific accident sequences and analyses. There's no credible path for criticality or other large consequence accidents to occur that would warrant creating a set of site-specific accident sequences or analyses. Therefore, the NRC staff finds that NYSERDA's commitment to

conduct RSEs for work activities with any potential radiological impacts in the retained premises and to write RWPs to establish controls is adequate, in this case, to control the radiological risk from accidents.

3.2.17 Additional Program Commitments

1. Maintain records of the radiation protection program (including program provisions, audits, and reviews of the program content and implementation), radiation survey results (air sampling, bioassays, external exposure data from monitoring of individuals, internal intakes of radioactive material), results of corrective action program referrals, RWPs, and planned special exposures.
2. Establish a program to report to the NRC, within the timeframe stated in regulations, incidents specified in 10 CFR 20.2202, "Notification of incidents," and safety significant events specified in 10 CFR 70.74, "Additional reporting requirements." Refer reportable incidents or events to the facility's corrective action program and report to the NRC both the corrective action(s) taken (or planned) to protect against a recurrence and any proposed schedule to achieve compliance with applicable license conditions.
3. Prepare and submit to the NRC an annual report of the results of individual monitoring, as required by 10 CFR 20.2206(b). Establish a program that will assure shipment and receipt of radioactive materials consistent with the regulations in 10 CFR Part 20, 10 CFR Part 71, 49 CFR, "Transportation," and others, as applicable. This includes having: (a) qualified personnel performing these operations, (b) procedures to implement the program and generate and maintain appropriate records, and (c) a supporting quality assurance function.

3.2.18 NRC Staff Evaluation of Additional Program Commitments

Section 1.3, "Radiation Safety Officer," of the proposed RPP states that the RSO will be responsible for maintaining all required records of the RPP. Section 8.3.6, "Recordkeeping," of the proposed RPP states that NYSERDA will maintain all records showing results of surveys, in accordance with 10 CFR 20.1501(b), and 10 CFR 20.2103, "Records of surveys." Section 9.1.1, "Recordkeeping," of the proposed RPP states that NYSERDA will maintain all records showing results of instrument calibrations. Section 16.4 of the proposed RPP states that NYSERDA will maintain records of external and internal occupational exposure in accordance with 10 CFR 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose," and Subpart L, "Records," to 10 CFR Part 20. In Section 17 of the proposed RPP, NYSERDA states that it will file all records associated with the corrective action program in the West Valley Site Management Program (WVSMP) central file system. Finally, in Section 19, "Records and Document Control," and its subsections in the proposed RPP, NYSERDA discusses records and document control. Specifically, NYSERDA states that all records generated in accordance with the RPP and the associated detailed implementing procedures will be maintained pursuant to 10 CFR Part 20, Subpart L, "Records".

Section 20, "Reports," of the proposed RPP discusses reports and states that all reports generated in support of the RPP and its implementing procedures, including required notifications, will be provided to the NRC in accordance with Subpart M of 10 CFR Part 20. Subpart M includes the regulation at 10 CFR 20.2202, as well as 10 CFR 20.2206, "Reports of individual monitoring." The NRC staff notes that safety significant events as described in

10 CFR 70.74 are not generally applicable to the retained premises of the WNYNSC as the facility is licensed in accordance with 10 CFR Part 50. As previously discussed, Section 17 of the proposed RPP discusses the NYSERDA corrective action program and includes the statement that reportable incidents will be addressed through the corrective action system, which will include investigation of root cause(s), identification of corrective action(s), and follow-through to verify the effectiveness of the corrective action(s).

The proposed RPP discusses waste management in Section 18, "Waste Management and Disposal." NYSERDA states that activities on the retained premises are not expected to result in the routine generation of waste, and that NYSERDA will manage and dispose of the waste based on the location where the waste was generated. Waste generated in the controlled area outside of restricted areas is expected to be at or consistent with background radionuclide concentrations and will be managed for disposal per NYSERDA's waste management procedures that include performing surveys for radiological protection purposes and for characterization. Whereas waste generated in the restricted or soil contamination areas of the retained premises will be surveyed, characterized, and contained in a secure facility on the retained premises consistent with the 10 CFR Part 20, Subpart K, "Waste Disposal" requirements. The waste will be dispositioned per the 10 CFR Part 20, Subpart K provisions, NYSERDA's implementing waste management procedures, and the applicable disposal facility waste acceptance criteria.

Section 1.5, "Waste Management and Transportation Staff," of Appendix B to the proposed RPP discusses the waste management and transportation staff roles. In this section NYSERDA states that the Waste Management and Transportation Manager is ultimately responsible for certifying that the waste meets all criteria and requirements to be shipped and will sign the shipping manifest. This individual will also track the shipment through arrival at the disposal facility and will close out the shipment upon receipt of the paperwork certifying that the shipment arrived safely at the offsite facility for disposal or other disposition. The Waste Management and Transportation Manager will be qualified by (minimally) having a bachelor's degree and at least three years of waste management and transportation experience in: (1) State and Federal radioactive waste management and disposal regulations and guidance; (2) U.S. Department of Transportation hazardous materials shipping regulations, radioactive waste classification, characterization, packaging, and shipping; and (3) the Federal Emergency Management Agency National Incident Management System.

The NRC staff evaluated the above information contained in the proposed RPP and determined that the sections of the RPP discussed above are adequate, in this case, to ensure that the commitments in the RPP are sufficient to establish appropriate recordkeeping, reporting, and waste management provisions for anticipated activities in the retained premises.

3.3 Retained Premises Radiation Protection License Condition

In its March 11, 2020, supplemental submittal, as modified by the information provided on September 10, 2021, the licensee proposed the following License Condition be added to Provisional Operating License CSF-1 relative to the RPP for the retained premises:

5.E. Retained Premises Radiation Protection

- (1) As the sole licensee under provisional operating license CSF-1 for the Retained Premises [i.e., the non-West Valley Demonstration Project (WVDP), non-State Licensed Disposal Area (SDA) portions of the Western New York

Nuclear Service Center (WNYNSC)], NYSERDA provides for radiation protection in accordance with NRC regulation 10 CFR Part 20: Standards for Protection Against Radiation and in keeping with the ALARA (As Low As Reasonably Achievable) philosophy.

- (2) NYSERDA will implement a Retained Premises Radiation Protection Program (RP-RPP500) to keep doses to workers and the public both ALARA, and in compliance with the 10 CFR Part 20 requirements for radiation protection.
- (3) For activities performed within the Retained Premises, the requirements and procedures described in RP-RPP500, as approved, supersede and replace radiation protection program requirements described in the Final Safety Analysis Report (FSAR) referenced herein.
- (4) NYSERDA will maintain RP-RPP500 and the associated procedures in accordance with the requirements in 10 CFR Part 20, Subpart B, Radiation Protection Programs. Changes to RP-RPP500 or associated procedures will be documented, reviewed and approved by the licensee's Radiation Safety Committee prior to implementation.
- (5) Prior to assuming responsibility of any of the WVDP facilities or site areas (when the U.S. Department of Energy returns oversight of the WVDP to NYSERDA), NYSERDA will submit to NRC a License Amendment Request that will include, as appropriate, an updated Radiation Protection Plan.

As the proposed language reflects the NRC staff's approval of the proposed RPP, the NRC staff finds the proposed language acceptable, with the addition of language to condition 5.E.(5) clarifying that "NYSERDA will not conduct activities in any portion of the site returned to NYSERDA control by DOE until the NRC has approved a license amendment that includes an updated Radiation Protection Plan." The NRC staff shared with NYSERDA all the proposed License Conditions for acceptability. NYSERDA responded indicating that they were fine with the license conditions (ADAMS Accession No. ML21305A004 (Pkg)). The NRC staff also notes that while this License Condition specifies that NRC approval will be needed for a future revision to the RPP that encompasses the WVDP, interim changes to the RPP may be made without prior NRC review and approval using the NYSERDA Radiation Safety Committee review process. These RPP changes are subject to review and inspection by the NRC staff during future site visits and associated activities.

Further, the NRC staff notes that NYSERDA is required be compliant with License Condition 7 D of amendment 31 regarding activities performed in the retained premises. License Condition 7 D of amendment 31 states:

Except as provided in subparagraphs (A), (B), and (C) of this paragraph 7, the responsibilities of the licensees under this license . . . shall continue in effect, provided that neither licensee is authorized to take or permit, and shall not take or permit (to the extent it has legal authority to do so) any other person to take, any action which in DOE's judgment may inhibit or prevent DOE from taking any action under the [AEA or WVDP Act]:

- (1) to carry out its activities pursuant to the [WVDP Act];
- (2) to guard against the loss or diversion of any special nuclear material located at the facility;

- (3) to prevent any use of or disposition of any special nuclear material located at the facility which DOE may determine to be inimical to the common defense and security; or
- (4) to protect health or minimize danger to life or property.

3.4 Technical Evaluation Conclusion

The NRC staff reviewed the proposed RPP that describes the radiation protection program requirements and implementing procedures for maintenance of the retained premises. The NRC staff determined that NYSERDA has committed to an RPP that incorporates: a radiation protection organization, ALARA, training, exposure monitoring, contamination control, instrumentation, written procedures (including RWPs), environmental monitoring, record keeping and reporting, and a corrective action system. As such, the NRC staff concludes that the elements of the program described in the RPP are consistent with 10 CFR Part 19 and 10 CFR Part 20 for the purpose of providing radiation protection programs and procedures for the retained premises, and continue to provide reasonable assurance of the continued adequate protection of public health and safety and the environment. Therefore, NYSERDA's proposed radiation protection requirements for the retained premises, as described in RP-RPP500, "Retained Premises Radiation Protection Plan," and discussed in this safety evaluation, are considered acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the State of New York official, Alyse Peterson of NYSERDA, was notified of the proposed issuance of the amendment on September 17, 2021 (ADAMS Accession No. ML21281A089). The State official had no comments.

5.0 PUBLIC COMMENTS

Before issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the applicable NRC regulations. Originally, the NRC made a proposed determination that the NYSERDA license amendment request involves no significant hazards consideration (NSHC). Under the NRC's regulations in 10 CFR 50.92, "Issuance of amendment," this means that provisional operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The NSHC determination was published in the *Federal Register* (FR) on March 10, 2021 (86 FR 13762), along with an opportunity to provide comments, request a hearing, or petition for leave to intervene on the proposed amendment.

The NRC staff determined that an environmental assessment was the appropriate form of environmental review for the requested changes to NYSERDA's RPP. As part of this review the NRC staff considered the comments received on the initial NSHC determination, which were provided on April 8, 2021, from the West Valley Citizens Task Force and a member of the public (ADAMS Accession Nos. ML21110A058 and ML21110A059, respectively). While many of these comments pertain to ongoing DOE-WVDP decommissioning and dismantlement activities under the WVDP and are therefore outside the scope of the requested changes to the RPP for the retained premises, the in-scope comments are addressed in the Environmental Assessment

(ADAMS Accession No. ML21245A012) was published in the *Federal Register* on November 4, 2021 (86 FR 60919).

6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," 51.32, "Finding of no significant impact," and 51.35, "Requirement to publish finding of no significant impact; limitation on Commission action," an environmental assessment and finding of no significant impact will be issued concurrent with this licensing proceeding and both will be published in the future in the *Federal Register*. Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public or the environment.

Principal Contributor: Gregory Chapman, NMSS/DUWP

Date of Issuance: November 5, 2021

NYSERDA Retained Premises Radiation Protection Plan Amendment Package DATE November 5, 2021

DISTRIBUTION:

- RidsACRS_MailCTRResource, ACRS
- RidsNmssDuwpRdb, NMSS
- RidsOgcMailCenterResource, OGC
- ADimitriadis, R-I/DNMS/DIRHB
- KWarner, R-I/DNMS/DIRHB
- MDoell, NMSS/DUWP/RDB
- PLongmire, NMSS/DUWP/RDB
- CBarr, NMSS/DUWP/RTAB

ADAMS Accession No.: Ltr ML21245A246

*** via email**

OFFICE	NMSS/DUWP/RDB	NMSS/DUWP/RDB	NMSS/DUWP/RDB*	NMSS/DUWP/RDB
NAME	MDoell MD	GChapman GC	ASnyder AS	BWatson BW
DATE	Sep 4, 2021	Sep 14, 2021	Oct 8, 2021	Oct 8, 2021
OFFICE	OGC/GCRPS/RMR /NLO*	NMSS/DUWP/RDB	NMSS/DUWP/RDB	
NAME	SClark SC	BWatson BW	ASnyder AS	
DATE	Nov 1, 2021	Nov 5, 2021	Nov 5, 2021	

OFFICIAL RECORD COPY