

July 25, 2005

Dr. Paul L. Piciulo, Director
New York State Energy Research and Development Authority
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: RESPONSE TO NYSERDA'S MARCH 31, 2005 LETTER RE: PARTIAL SITE
RELEASE

Dear Dr. Piciulo,

I am responding to your March 31, 2005, letter requesting that the U.S. Nuclear Regulatory Commission (NRC) identify a process for releasing nonimpacted portions of the Western New York Nuclear Service Center (Center) for unrestricted use prior to completion of site decommissioning. We understand that you are requesting this information due to recent local interest in potential economic development possibilities for portions of the 3,000 acre Center.

We have considered your request and determined that there is presently no approved NRC process for releasing a portion of the NRC-licensed area of the Center prior to the completion of decommissioning. Therefore, we plan to propose a process for Commission consideration and approval. We anticipate completing a draft proposal for management review by August 31, 2005.

As you know, the release of an NRC-licensed site, or portion thereof, for unrestricted use is normally considered in the site decommissioning process. While there is no approved process for a partial site release applicable to the former reprocessing facility at West Valley, prior to site decommissioning, there are provisions in our regulations (10 CFR 50.83) for considering a partial site release for power reactors. We believe these provisions can be used to inform a process for partial site release for the West Valley site.

Dr. Paul Piciulo

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If you have any questions, please do not hesitate to contact me at 301-415-7437, or Chad Glenn of my staff at 301-415-6722.

Sincerely,

/RA/

Larry W. Camper, Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

cc: R. Armstrong, Seneca Nation of Indians
P. Giardina, USEPA
S. Hammond, NYSDEC
A. Salame-Alfie, NYSDOH
J. Swailes, USDOE

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