



BUFFALO MATERIALS RESEARCH CENTER

Document Control Desk
US Nuclear Regulatory Commission
1 Whiteflint North
11555 Rockville Pike
Rockville, MD. 20852

September 13, 1990
Docket 50-57
License R-77

Atn. Mr. Ted Michaels

Dear Mr. Michaels,

On July 18 1990, an unannounced inspection of the Buffalo Materials Research Center was performed by the New York State Department of Environmental Conservation.

The inspection was performed by Mr. William Varcasio and Mr. Steven Zobel, and encompassed a review of our radioactive air and water effluent records, procedures, and equipment. No written report has been received from the DEC regarding the inspection. Based on our discussions with Mr. Varcasio and Mr. Zobel, the results were largely positive with no violation of DEC code detected.

However, in the course of our discussions, the DEC indicated to us that as a result of events at the Cintichem reactor, an agreement had been reached between DEC and NRC. Pursuant to this agreement, the Commission and NYS Department of Health, would no longer exercise jurisdiction over BMRC's radioactive effluents. They indicated that this would be the sole responsibility of the DEC.

They further indicated that since the levels of Argon 41 in our stack exhaust exceed MPC we will be required to obtain a DEC permit and must submit an environmental impact statement. Our Technical Specifications allow us to release in excess of MPC based upon dispersal and dose estimate calculations submitted in support of Amendment 18 (our license renewal).

Since the Argon 41 is generated directly as a result of operation of the reactor, it is my interpretation (per DEC regulations, part 380, copy enclosed) that the NRC jurisdiction supersedes DEC. Also there has been no indications to me by any member of the NRC staff that the Commission would, in any way, be reducing its role in monitoring and regulating BMRC.

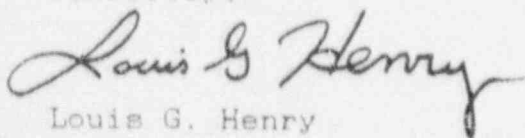
I would appreciate very much any light you or your colleagues could shed on this issue. It is my intent to remain pro-active with any and all agencies exercising jurisdiction over BMRC. The potential however, for redundant, costly, and perhaps confusing overlapping efforts may not be in the best interest of the public, BMRC, DEC, or the Commission.

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Please feel free to contact me if you require additional information. I look forward to hearing from you.

Sincerely,



Louis G. Henry

General Manager

cc: V.P. Rennie
M. Pierro
D. Sullivan
J. Roth (Region I)