

January 9, 1991

Docket No. 50-57

Mr. Louis G. Henry, Director
Buffalo Materials Research Center
State University of New York
Rotzky Road
Buffalo, New York 14214

Dear Mr. Henry:

SUBJECT: EFFLUENT JURISDICTION AT 2 MW NON-POWER REACTOR,
STATE UNIVERSITY OF NEW YORK, BUFFALO

Your letter of September 13, 1990 requested clarification on the responsibilities of the New York State Department of Environmental Conservation (DEC) and the Nuclear Regulatory Commission (NRC), regarding radioactive effluents at your facility. In response to your request please be advised of the following. The NRC maintains jurisdiction over effluents that are generated under the reactor license. Also, the NRC has not entered into an agreement with DEC regarding your facility, which would preclude NRC's jurisdiction over reactor generated effluents.

Sincerely,

Original signed by:

Theodore S. Michaels, Senior Project Manager
Non-Power Reactors, Decommissioning
and Environmental Project Directorate
Division of Advanced Reactors
and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

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OGC

NRC & Local PDRs
EHylton
EJordan

PDNP r/f
SWeiss
ACRS (10)

DCrutchfield
TMichaels

*See previous concurrences:

L: PDNP*
EHylton
12/21/90

PM: PDNP*
TMichaels
12/20/90

RI*
JMcGrath
12/19/90

GPA/SP*
12/21/90

OGC*
01/03/91

D: PDNP
SWeiss
01/9/91

[TM LTR2 LHENRY]

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

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Buffalo Materials Research Center
State University of New York
Rotary Road
Buffalo, New York 14214

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Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore S. Michaels".

Theodore S. Michaels, Senior Project Manager
Non-Power Reactors, Decommissioning
and Environmental Project Directorate
Division of Advanced Reactors
and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

State University of New York
at Buffalo

Docket No. 50-57

cc: New York State Department of
Environmental Conservation
Attn: Director, Bureau of
Radiation
Albany, New York 12233-7255

Director, Technical Development
Programs
State of New York Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223