

March 29, 2006

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

SUBJECT: PROCESS FOR RELEASING NON-IMPACTED PORTIONS OF THE  
WESTERN NEW YORK NUCLEAR SERVICE CENTER FOR UNRESTRICTED  
USE PRIOR TO COMPLETION OF SITE DECOMMISSIONING

Dear Dr. Piciulo,

This is a followup to my previous response to your March 31, 2005, letter (ML052010661) requesting that the U.S. Nuclear Regulatory Commission (NRC) identify a process for releasing non-impacted portions of the Western New York Nuclear Service Center (Center) for unrestricted use prior to completion of site decommissioning. On July 25, 2005, I explained that the release of an NRC-licensed site, or portion thereof, for unrestricted use is normally considered in the site decommissioning process, and I stated that, presently, there is no approved NRC process for releasing a portion of the NRC-licensed area of the Center prior to the completion of this process. However, I acknowledged that there are provisions in our regulations (10 CFR 50.83) for considering a partial site release for power reactors prior to the site decommissioning process, and these provisions might be used to inform a process for partial site release for the West Valley site. The staff subsequently requested that the Commission approve the use of the 10 CFR 50.83 process to consider future requests for the release of non-impacted portions of the NRC-licensed area of the Center.

On March 14, 2006, the Commission approved the use of the 10 CFR 50.83 process to consider future requests for the release of non-impacted portions of the NRC-licensed area of the Center during the period of U.S. Department of Energy cleanup activities. The staff paper (SECY-06-0035), Commission voting record, and staff requirements memorandum are available at NRC's Public Electronic Reading Room link (<http://www.nrc.gov/reading-rm/doc-collections/commission/>) on the NRC's home page (<http://www.nrc.gov>).

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  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

cc: See next page

cc:

R. Armstrong, Seneca Nation of Indians

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Office of Nuclear Material Safety  
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