

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
WASHINGTON, D.C. 20555-0001

October 24, 2000

**NRC REGULATORY ISSUE SUMMARY 2000-19**  
**PARTIAL RELEASE OF REACTOR SITE FOR UNRESTRICTED USE**  
**BEFORE NRC APPROVAL OF THE LICENSE TERMINATION PLAN**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform addressees of (1) pending rulemaking action to standardize the process for allowing a licensee of an operating facility, or a facility which has entered into decommissioning, to release part of its reactor facility or site for unrestricted use before receiving NRC approval of its license termination plan (LTP) ("partial site release") and (2) the staff's plans for handling requests for partial site releases until rulemaking on the subject can be completed. This RIS does not create any new or changed NRC requirements or staff positions, and it requires no specific action or written response.

BACKGROUND INFORMATION

The decommissioning and license termination rules of 10 CFR Parts 2, 20, and 50 provide adequate protection of the public and the environment from radioactivity remaining at a reactor facility or site when the license is terminated. However, the regulations are silent on the process a licensee would follow to sell land to reduce the size of its site before approval of an LTP.

By letter dated November 10, 1998, GPU, Inc., made application to amend the Oyster Creek Nuclear Generating Station Technical Specifications to remove a restriction on the sale or lease of property within the exclusion area. As a result of GPU's application and subsequent conversations with the licensee, the staff was informed of GPU's intention to sell a portion of the Oyster Creek site. The proposed sale included the gas turbines (used in the event of a station blackout) and other property within and outside the exclusion area. A portion of the proposed sale property was radiologically impacted as a result of some contaminated soil historically deposited adjacent to a parking lot within the proposed sale boundary. Following remediation of the parking lot, GPU hired a contractor to perform scoping surveys in the summer of 1998. The results of the GPU survey, along with those of a November 1999 NRC confirmatory inspection and survey, concluded that the property was adequately characterized

and did not contain residual radioactivity distinguishable from background. Because GPU had determined that there was no radioactivity above background in the areas to be sold to a non-licensed third party, it was not clear whether NRC approval was required for the sale. Although the proposed sale was not completed, a review by the NRC staff concluded that current regulations in 10 CFR Part 50 do not address the release of part of a reactor facility or site before NRC approval of the LTP is received by the licensee.

Because several licensees have expressed interest in releasing for unrestricted use a portion of their sites before they receive approval of their LTPs, the staff has concluded that the regulatory issues should be resolved generically. To address these regulatory issues, the staff has proposed rulemaking to add a new section to 10 CFR Part 50, apart from the current decommissioning and license termination rules, that prescribes a regulatory process for handling a partial site release. (See SECY-00-023 in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML003674188). In the associated staff requirements memorandum (ADAMS accession number ML003707668), the Commission approved the proposed regulatory approach and directed that the staff continue to review requests for partial site release on a case-by-case basis while proceeding to engage stakeholders in the development of the final rule.

#### SUMMARY OF ISSUE

Pending rulemaking for partial site release, it is the staff's intent to conduct reviews of licensee requests for partial site release on a case-by-case basis. In order for the staff to evaluate the adequacy of the licensee's plans for partial site release, licensees are requested to submit information necessary to demonstrate:

- Compliance with the radiological criteria for unrestricted use of 10 CFR Part 20, Subpart E, Section 1402 (25 mr/yr and as low as reasonably achievable).
- Continued compliance with all other applicable regulatory requirements that may be impacted by the release of property and changes to the site boundary.
- That records of property line changes and the radiological conditions of partial site releases are being maintained to ensure that these conditions can be adequately considered at the time of any subsequent partial releases and at the time of license termination.

Licensees should note that, pursuant to 10 CFR 50.82, the entire site as defined in the original license will be included in the LTP to ensure that the entire area meets the radiological release requirements 10 CFR Part 20, Subpart E, at the time the license is terminated.

In order to adequately demonstrate compliance with the radiological criteria, a licensee must first assess its site to identify areas that may contain, or are known to contain, radioactive material and classify those areas according to their potential for radioactive contamination. The Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), NUREG-1575, classifies an area with some potential for contamination as *impacted*. These areas should be surveyed (and if necessary, remediated) to demonstrate compliance with the release criteria. Areas that have no reasonable potential for contamination, as evidenced by assessment

documentation submitted by the licensee, are classified as *non-impacted*. As warranted, the NRC will independently perform confirmatory inspections and surveys to ensure that a licensee's site assessment conclusions and surveys are adequate.

For proposed release areas that have no public dose attributable to the property, that is, are neither impacted nor contain residual radioactivity that is distinguishable from background, and provided the release of the property would have no adverse effect on reactor safety, the NRC can provide a final evaluation of the release of the property by letter. For areas that do contain residual radioactivity that is distinguishable from background, the licensee should submit release information in the form of a license amendment for NRC approval. The amendment would include the licensee's plan to demonstrate compliance with the radiological criteria for unrestricted use specified in 10 CFR 20.1402 (25 mr/yr and as low as reasonably achievable). Regulatory guidance already exists for demonstrating such compliance.

A reactor license may contain a license condition or a technical specification that describes the site boundary in detail, such as by means of a site map. In this situation, the licensee would have to submit a license amendment application for a partial site release, regardless of the amount of residual radioactivity contained in the area to be released, because the site boundary would change. NRC evaluation of the partial site release would be necessary regardless of the amount of detail with which the site boundary is defined in the operating license.

Licensees should account for any dose from released portions of the site in determining the dose levels for the entire original site for comparison against the standards of Subpart E as part of the LTP process. In support of this determination, licensees should establish and maintain records of property line changes and the radiological conditions of partial site releases to ensure that any combined or synergistic dose effects can be considered at the time of license termination.

The NRC will notice receipt of a licensee's proposal for a partial site release, regardless of the amount of residual radioactivity involved, and make it available for public comment. The NRC will also hold a public meeting in the vicinity of the site to discuss the licensee's notification or license amendment request, as applicable.

Although there is no required action in response to this RIS, licensees are encouraged to establish procedures where necessary to ensure that appropriate information will be available in the event partial site release is pursued. The information provided in this RIS can also assist in the decision making process when considering a partial site release, especially where complex radiological issues may require significant effort in demonstrating compliance with the release criteria.

#### BACKFIT DISCUSSION

This RIS requires no action or written response. It only delineates staff plans for handling requests for partial site releases on a case-by-case basis pending the completion of rulemaking to standardize the process for allowing a licensee to release part of its reactor facility or site for unrestricted use before receiving NRC approval of its LTP. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment was not published in the *Federal Register* because this RIS is informational only. NRC intends to work with industry representatives, members of the public, and other stakeholders in developing the rulemaking and related guidance documents. With regard to GPU, this RIS pertains to a licensing matter that has been well documented and open to public comment.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not request any information collection.

If there are any questions about this matter, please contact the person listed below or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

**/RA/**

David B. Matthews, Director  
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Attachment: List of Recently Issued Regulatory Issue Summaries

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LIST OF RECENTLY ISSUED  
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2000-18	Guidance on Managing Quality Assurance Records in Electronic Media	10/23/00	All holders of OLs for nuclear power plants, including licensees that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. In addition, those materials licensees, including certificate holders and vendors, that are required to have an NRC approved quality assurance program.
2000-17	Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff	09/21/2000	All holders of OLs for nuclear power reactors
2000-16	Availability of the Reactor Vessel Integrity Database Version 2.0.1	09/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-15	Recommendations for Ensuring Continued Safe Plant Operation and Minimizing Requests for Enforcement Discretion During Extreme Weather Conditions	09/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-14	Preparation and Scheduling of Operator Licensing Examinations	09/06/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel

OL = Operating License  
CP = Construction Permit