

September 5, 2001

Dear Mr. Chairman:

The Nuclear Regulatory Commission (NRC) has forwarded the enclosed proposed changes to the Commission's rules in 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to the Office of the Federal Register for publication. The proposed regulation adds a new section to Part 50 providing a process for allowing a power reactor licensee of an operating or permanently shutdown plant to release part of its reactor site for unrestricted use prior to license termination. With this proposed rule, the Commission will require licensees to submit information necessary to:

1. Demonstrate compliance with the radiological release criteria for unrestricted use of 10 CFR Part 20, Subpart E, currently applicable only to license termination.
2. Demonstrate continued compliance with all other applicable regulatory requirements that may be affected by the release of property and changes to the site boundary.

The proposed rule provides additional flexibility to licensees who are releasing property that has never been radiologically impacted. While the license termination process requires an amendment of the Part 50 operating license to release the entire site, the proposed rule offers the opportunity for a letter submittal for partial releases if the licensee can demonstrate that there is no reasonable potential for residual radioactivity from licensed activities.

Finally, the proposed rule provides for public participation. The NRC staff will notice receipt of a licensee's release proposal in the *Federal Register* and make it available for public comment. The staff will also hold a public meeting in the vicinity of the licensee's site to discuss the licensee's release proposal and obtain comments prior to approving the release.

In summary, the proposed rule embraces the Commission's strategic goals of maintaining safety and the protection of the environment, reducing unnecessary regulatory burden, increasing public confidence, and increasing efficiency and effectiveness.

Sincerely,

Original signed by L. Portner for

Dennis K. Rathbun, Director
 Office of Congressional Affairs

Enclosure: Proposed rule

cc: Representative Rick Boucher

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*See previous concurrence

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