

April 26, 2000

MEMORANDUM William D. Travers

TO: Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - SECY-00-0023 - RULEMAKING PLAN TO STANDARDIZE THE PROCESS FOR ALLOWING A LICENSEE TO RELEASE PART OF ITS REACTOR FACILITY OR SITE FOR UNRESTRICTED USE BEFORE RECEIVING APPROVAL OF ITS LICENSE TERMINATION PLAN

The Commission has approved the staff's rulemaking plan for release of part of a reactor facility or site for unrestricted use before receiving approval of a license termination plan, as described in [SECY-00-0023](#), subject to the following comments. The staff (NRR) should coordinate development of this rule with NMSS and RES to ensure that a consistent approach to partial site release and dose modeling is applied across strategic arenas. The staff should submit a schedule for completion of the rulemaking as part of the proposed rule package. Because the nature and scope of the proposed evaluation of "synergistic" effects is unclear, the staff should, as it finalizes the rulemaking plan, more clearly define the possible role of "synergistic" effects. In addition, the staff should ensure that this effort is coordinated, as necessary, with NMSS' development of the standard review plan for license termination. Although the staff's proposal to apply Section 2.1201(a)(3) of Part 2, Subsection L appears reasonable, the staff should ensure that the approach taken in this rulemaking is consistent with the Commission decision on the revision of Part 2 (currently under consideration).

As part of the rulemaking, the staff should consider several issues discussed in SECY-00-0023 guided by focused interactions with stakeholders, such as: 1) Would the dose contribution from the released portion of the site need to be calculated, particularly in cases where residual radioactivity has significantly decayed, thereby reducing the potential public dose? 2) What would happen in cases where subsequent owners of the released portion of the site engage in activities (licensed or unlicensed) that result in a higher dose contribution from this portion of the site--would this dose "count against" the Part 20 allowable dose limit for unrestricted use? and 3) Would the contribution from the groundwater pathway need to be recalculated, if years have elapsed between the partial site release and license termination?

The proposed rule package should clearly discuss: 1) the role of the timeliness rule relative to partial site release; 2) that 10 CFR 20.2002 does not provide for partial site release and [10 CFR 20.2002](#) disposals on those portions of the site proposed for release will be considered impacted areas; 3) that this rulemaking narrowly focuses on power reactor licensees to be responsive to current industry needs; and 4) that a separate rulemaking is needed to address the wide variety of materials sites, many of which are technically more complex from a decommissioning perspective than reactor sites, to provide a uniform and consistent agency approach to partial site release.

In the interim, the staff should continue to review requests for partial site release on a case-by-case basis, and consider issuing a generic communication informing reactor licensees of this approach.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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