

January 12, 2000

MEMORANDUM TO: John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

FROM: William F. Kane, Director
Office of Nuclear Material Safety *Original signed by*
and Safeguards

SUBJECT: PART 50 RULEMAKING PLAN FOR RELEASING PART OF A
REACTOR FACILITY OR SITE FOR UNRESTRICTED USE
BEFORE RECEIVING APPROVAL OF THE LICENSE
TERMINATION PLAN

In response to your request dated December 30, 1999, the Office of Nuclear Material Safety and Safeguards (NMSS) has reviewed your proposal and has no technical objection to the proposed rulemaking plan. NMSS notes that the details of the rule language (e.g., changes to 10 CFR Part 20), as developed, may have an impact on NMSS licensees, Agreement States, and other stakeholders. In addition, the technical basis for assuring that a partial site release would be able to satisfy existing requirements governing the final site release is not yet defined.

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In response to your request dated December 30, 1999, the Office of Nuclear Material Safety and Safeguards (NMSS) has reviewed your proposal and has no technical objection to the proposed rulemaking plan. However, NMSS is concerned that the details of the rule language (e.g., changes to 10 CFR Part 20), as developed, may have an impact on NMSS licensees, Agreement States, and other stakeholders. Furthermore, the technical basis for assuring that a partial site release would be able to satisfy existing requirements governing the final site release is not clear. Also, your plan does not fully address how the proposed rule would be consistent with NRC's performance goals and strategies. Our approval of any proposed rule language would be contingent on these concerns being addressed.

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