

March 14, 2001

MEMORANDUM TO: W. Mike Ripley
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Ralph Cady
Radiation Protection, Environmental Risk & Waste Management Branch
Division of Risk Analysis and Applications
Office of Nuclear Regulatory Research

SUBJECT: PROPOSED RULE: TO STANDARDIZE THE PROCESS FOR
ALLOWING A LICENSEE TO RELEASE PART OF ITS REACTOR
FACILITY OR SITE FOR UNRESTRICTED USE BEFORE NRC HAS
APPROVED ITS LICENSE TERMINATION PLAN

In response to your request for concurrence on the above referenced draft proposed rule and associated Commission Paper, we would like to offer the following comment. Shortly following transmittal of the proposed rule for office review and comment, we participated in discussions concerning our comments. All but one have been resolved to our satisfaction. That which remains unresolved is a significant issue regarding language in the proposed rule that was raised and discussed during meetings of NRR, RES and NMSS staff. We agreed to discuss the issue further and offer reasonable options for revision of the language in the proposed rule.

After discussions between NRR and RES staff on the meaning of the phrase "indistinguishable from background", RES staff recommend that the proposed rule be revised to remove reference to site conditions being indistinguishable from background, and instead refer to the concept of "non-impacted" as defined and described in the MARSSIM Manual (NUREG-1575, Rev 1). The problem with using the term "indistinguishable from background" is that it requires setting a non-zero dose increment such that if the calculated dose for an area is within that increment of the background dose, the dose from the area is considered "indistinguishable from background". However, no such dose increment has yet been promulgated by the NRC. Thus, NRC would need to either establish an acceptable non-zero dose increment, or adopt different language in lieu of the phrase "indistinguishable from background".