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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

November 19, 2001

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemaking and Adjudications Staff

RE: 10CFR Parts 2, 20, and 50; Ref. 66FR46230, September 4, 2001, Proposed Rule

The Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Workgroup has found an inconsistency with MARSSIM in the definitions of impacted and non-impacted areas in the proposed rule entitled "Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan."

In section 10CFR50.2 "Definitions," the definitions state:

"Impacted areas mean the areas with some reasonable potential for residual radioactivity in excess of natural background or fallout levels."

"Non-impacted areas mean the areas with no reasonable potential for residual radioactivity in excess of natural background or fallout levels."

These definitions are inconsistent with MARSSIM. The MARSSIM Workgroup is concerned these proposed inconsistencies diverge from the multi-agency consensus of MARSSIM. Promulgation of divergence from MARSSIM in a rule could lead to the return to the multiple requirements for site release by the different agencies.

The MARSSIM Workgroup offers the following multi-agency consensus replacement text for the definitions of impacted and non-impacted areas:

Impacted Area: (Refer to MARSSIM page GL-11) - "Any area this is not *classified as non-impacted*. Areas with a possibility of containing *residual radioactivity* in excess of natural background or fallout levels."

Non-Impacted Area: (Refer to MARSSIM page GL-14) - "Areas where there is no reasonable possibility (extremely low probability) of residual contamination. Non-impacted areas are typically located off-site and may be used as background

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reference areas."

The MARSSIM Workgroup does not view the modifications to the definitions of impacted and non-impacted areas in the proposed rule as necessary or appropriate and recommends the definitions be consistent with the MARSSIM text as provided above.

Sincerely,

The MARSSIM Workgroup

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