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NRC DECLARES MORATORIUM ON BRC IMPLEMENTATION; INITIATES CONSENSUS-BUILDING PROCESS

The Nuclear Regulatory Commission announced today that it is declaring a moratorium on the implementation of the Below Regulatory Concern (BRC) Policy. In lieu of implementation of the policy, the Commission also announced that it has approved the initiation of a phased consensus-building process on BRC issues.

The Commission had adopted the BRC policy on July 3, 1990, as a basis for determining when radiation levels are so low that they do not need stringent regulatory controls to ensure protection of the public and the environment.

NRC said today it will defer consideration of any petitions for rulemaking under BRC that seek generic exemptions on a national scale for such activities as the release of sites containing residual radioactivity, the disposal of low-level radioactive wastes, the distribution of consumer products, and the recycling of slightly radioactive materials.

The Commission believes that in order for the consensus-building process to be effective as a forum to evaluate the entire range of issues related to the BRC policy, it is essential that representatives of all affected parties, especially those groups who have demonstrated a major interest in the policy, participate in the process. The Commission has established a target date of December 1992 as the closure date for the consensus body to provide its final advice to the Commission.

NRC's regulatory responsibilities will continue during the consensus process. Those activities that are necessary to provide adequate protection of public health and safety and the environment, particularly those activities concerned with the clean-up of contaminated sites in a timely manner, will be unaffected. Therefore, while the Commission is deferring implementation of the BRC policy, it intends to address issues related to waste disposal, consumer products, recycling of materials, and decontamination and decommissioning, as necessary and on a case-by-case basis, in the manner in which these issues were considered prior to the publication of the BRC policy statement. Accordingly, the NRC staff will continue to make licensing decisions involving exemptions or site decommissioning using existing rules, criteria, and practices and will inform the Commission of all significant or controversial actions of this type.

The NRC staff also will continue its accelerated efforts in the completion of the technical basis for the rulemaking on residual contamination criteria, as well as the bases for other rulemakings which are necessary for accomplishing NRC's mission of protecting the public health and safety and the environment. This information will provide useful, practical examples for the consensus process. It will also provide the technical bases for rulemakings, such as the rulemaking on residual contamination criteria, which the Commission expects to resume in January 1993 or sooner as part of the consensus process.

Francis X. Cameron, who has been in charge of the initial phase of the consensus process, will head the follow-on action being announced today.

Mr. Cameron will establish a core group to assess whether all affected parties, especially those groups who have demonstrated a major interest in the policy, would be willing to participate in the process subject to the considerations detailed by the Commission. The core group would include representatives of affected parties, including, as a minimum, high-level representatives of a State, utility interests, medical interests, the Commission, and an environmental/public interest group that has demonstrated a major interest in the BRC policy.

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