

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

June 13, 1990

MEMORANDUM FOR: James M. Taylor, Executive Director  
for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-89-360 - COMMISSION POLICY STATEMENT  
ON EXEMPTIONS FROM REGULATORY CONTROL

This is to advise you that the Commission (with Chairman Carr and Commissioners Roberts, Rogers and Remick agreeing and with commissioner Curtiss agreeing in part and disagreeing in part) has approved the attached Statement of Policy on Below Regulatory Concern.

The Commission has also agreed that the staff should proceed expeditiously with its program for disseminating information on the BRC policy to Congress, media representatives, other Federal agencies, state and local authorities, Indian Tribal organizations, and the public. Such a program is necessary to effectively communicate the basis and need for the policy with these groups. Accordingly, the Commission agreed that a working group of NRC managers should be established to develop and implement a comprehensive strategy for releasing the BRC policy. The working group should arrange briefings for Congressional staff and other Federal and state agencies (including EPA, DOE, FDA, CPSC, Agreement States, and affiliated organizations). The working group should also arrange internal workshops to prepare NRC Headquarters and Regional staffs for responding to inquiries about BRC. Commissioners offices should be advised of the time and location of all working group meetings. The working group should also coordinate the development and release of information about BRC, such as the BRC pamphlet being developed by Public Affairs.

The Commission looks forward to staff's progress in implementing the BRC policy, including establishment of interim residual radioactivity criteria for decommissioning and assessing existing

exemptions for consistency with the BRC policy. These efforts will not only enhance the coherence of NRC's regulatory

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framework, but may also encourage the use of a consistent risk basis in other areas of the Federal government's regulatory framework for protecting the public and the environment from a variety of risks.

Staff should develop a program for systematically assessing existing NRC exemptions (as directed in the October 13, 1989 SRM) to evaluate their consistency with the criteria and provisions of the BRC policy and for developing a framework of new regulations and guidance to implement the BRC policy (e.g., residual radioactivity limits for decommissioning, waste exemptions, regulations to establish a framework for exempting consumer products).

(EDO) (SECY SUSPENSE: 8/17/90)

Staff should revise the analysis of public comments which was included with SECY-89-184, as appropriate, to reflect the Commission decision in the BRC policy and make this analysis publicly available.

(EDO) (SECY SUSPENSE: 6/25/90)

Commissioner Remick would have preferred that the waste-related position of the policy be deferred until it could be presented together with more detailed guidance on the implementation of waste-related exemptions. He would also have preferred that the risk coefficient used to set the dose criteria in this policy be  $4 \times 10^{-4}$  chances of a fatal cancer per rad of exposure. This number is closer than  $5 \times 10^{-4}$  to the risk coefficients calculated in the Appendix discussions of the UNSCEAR and BEIR-V studies, which provide no apparent calculational basis for  $5 \times 10^{-4}$ .

Commissioner Curtiss' additional views are attached.

Attachments:  
As Stated

cc: Chairman Carr  
Commissioner Roberts  
Commissioner Rogers  
Commissioner Curtiss

Commissioner Remick  
OGC  
GPA