



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555

August 9, 1988

The Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Zech:

SUBJECT: ACNW COMMENTS ON PROPOSED COMMISSION POLICY STATEMENT ON
REGULATORY CONTROL EXEMPTIONS FOR PRACTICES WHOSE PUBLIC
HEALTH AND SAFETY IMPACTS ARE BELOW REGULATORY CONCERN
(BRC)

During the second meeting of the Advisory Committee on Nuclear Waste, July 21-22, 1988, we met with the NRC staff to discuss the referenced draft report. This meeting represented a continuation of earlier discussions on this subject by the Waste Management Subcommittee of the Advisory Committee on Reactor Safeguards. As a result of these reviews, we offer the following additional comments, which were affirmed on August 4, 1988 during the third meeting of the ACNW.

We believe that the proposed Policy Statement is not presented in a logical manner, and it fails to address certain questions raised by you and your fellow Commissioners. We believe that the Policy Statement should be revised to include the following comments and suggestions:

1. Exemptions should be based on an acceptable individual annual, as well as lifetime, risk. The values proposed (10^{-7} /year and 10^{-5} /lifetime) appear reasonable. Once this guidance has been presented and justified, comparable annual and lifetime dose limits should be given. At this level of risk, we believe that the limitation on individual risk will be sufficient; we see no need to provide a limit on the collective population dose.
2. We agree with the NRC staff that, in all cases, each proposed exemption should be justified. In this regard, applications involving radiation exposures to members of the public which have no offsetting benefits should not be approved. However, considerable care should be exercised in describing practices that would be termed as frivolous.
3. In those cases where an apparently useful application of radiation would result in individual risks slightly greater than the limits cited above, a cost-benefit analysis should be made to determine if the application should be designated as BRC. Prior to undertaking such efforts, however, we believe that the methodology for conducting such analyses should be carefully reexamined. Specific items needing attention include the monetary value assigned per unit of

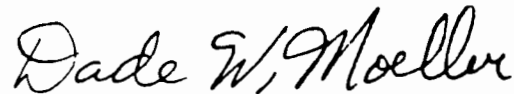
August 9, 1988

collective dose averted. In this regard, we suggest the development of a system in which higher monetary values are used as the annual risk increases above the level considered to be BRC.

4. Finally, the Policy Statement should require that, as a part of its implementation, all existing NRC exemptions be reviewed to ensure that they are commensurate with this approach.

If these comments and suggestions are incorporated, the revised Policy Statement should be satisfactory for presentation at the upcoming International Workshop on Rules for Exemption from Regulatory Control.

Sincerely,



Dade W. Moeller
Chairman

Reference:

U. S. Nuclear Regulatory Commission, draft Commission paper (Pre-decisional) for The Commissioners from Victor Stello, Jr., EDO, Subject: Proposed Commission Policy Statement on Regulatory Control Exemptions for Practices Whose Public Health and Safety Impacts are Below Regulatory Concern (BRC), transmitted by memorandum from B. M. Morris, Director, Division of Regulatory Applications, RES, to R. F. Fraley, Executive Director, ACNW, dated July 14, 1988.