



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

January 30, 1990

The Honorable Kenneth M. Carr  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Carr:

SUBJECT: COMMISSION POLICY STATEMENT ON EXEMPTIONS FROM REGULATORY CONTROL

During its 16th meeting, January 24-25, 1990, the Advisory Committee on Nuclear Waste reviewed the above subject report (SECY-89-360). Because this has been a matter of continuing interest to the Committee, we take this opportunity to offer the following comments.

1. We believe that expressing the Policy Statement in terms of "Exemptions from Regulatory Control" is a positive step. We have, for some time, believed that the term, "Below Regulatory Control," was a misnomer. In fact, for the case of low-level radioactive wastes, the objective is to develop a system for granting approval for certain (exempted) wastes to be disposed of in facilities not licensed by the NRC.
2. We agree that the Commission is wise to be conservative in the selection of applicable dose rate limits until such time as more experience is gained relative to assessing the potential for individual exposures from multiple practices. However, we believe that the limits of 1 mrem/yr for individual dose rates and 0.1 mrem/yr for the truncation of collective doses are too low. Neither would be directly measurable and both would have large accompanying uncertainties.

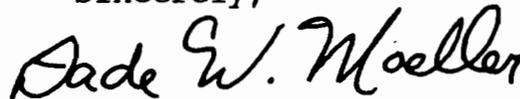
From our perspective, it appears that the Commission would need to take experience into account only in the establishment of an annual dose limit for individuals. Even so, a limit of 3 to 5 mrem/yr for each individual source or practice would not appear to be unreasonable. In the selection of a limit for truncating collective dose calculations, we suggest that the Commission adopt the 1 mrem/yr value being used by the National Council on Radiation Protection and Measurements.

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3. As stated in our letter dated December 30, 1988, we believe that the collective dose limit should be variable. Following this approach, higher annual collective dose limits would be permitted for exempted practices that contribute smaller dose rates to individuals. It should be noted that the suggested collective dose rate limit of 1000 person-rem/yr may require the Commission to reconsider existing exemptions, such as those that permit the incorporation of licensed materials in smoke detectors and in luminous watches and clocks. Both of these applications appear to yield annual collective doses exceeding the proposed limit.
4. We believe the NRC staff is correct in urging that the Policy Statement include recommendations to discourage "frivolous" uses of radioactive materials. Although which practices constitute such uses may be subject to interpretation, most people would agree that exemptions should not be granted for the purposeful introduction of radioactive materials into food or toys, regardless of how low the associated dose rates might be.

We hope these comments will be helpful.

Sincerely,



Dade W. Moeller  
Chairman

Reference:

SECY-89-360, Commission Policy Statement on Exemptions  
From Regulatory Control, December 1, 1989 (Predecisional)