



CHAIRMAN

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

September 12, 1990

Thomas Plate
Editor of the Editorial Page
The Los Angeles Times
Los Angeles, California 90053

Dcar Mr. Plate:

I want to clarify the Nuclear Regulatory Commission's (NRC) policy statement on exempting slightly radioactive materials that are below regulatory concern, which was addressed in the August 6 column by Congressman George Miller. The NRC's goal is to protect the public health and safety and the environment and I am confident our recent policy accomplishes our goal. When the NRC implements this policy, we will ensure that any levels of radiation from exempted activities will be comparable to the low levels that most of us encounter in routine activities such as the use of smoke detectors in our homes today.

The fact that these are radiation levels so slight as to be exempted from regulatory controls is not new. NRC has been exempting very low levels of radioactive materials on a case-by-case basis for many years. The Commission has a demonstrated track record of developing and enforcing tough regulations to ensure the public is protected.

I see our policy--known as Below Regulatory Concern (BRC)--as a rational, consistent approach for deciding what small quantities or concentrations of radioactive material could be released from our licensees' control without a significant impact on public health or the environment. In this regard, our actions are comparable to those of the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA). These Federal agencies also have formulated, or are attempting to formulate, similar policies for the hazardous materials (e.g., chemical carcinogens) they regulate. It is possible that their actions, like ours, could result in industry savings. However, I believe their primary objective, like ours, is to ensure that the resources of the regulatory agency and the regulated community are appropriately used to minimize impacts to public health and safety and to the environment.

Natural radioactivity is all around us in our environment. Therefore, many of the materials we dispose of daily in landfills have some level of radioactivity in them. Indeed, even our own bodies are naturally radioactive. Therefore, the question is not whether radioactivity should be permitted in landfills, since some everyday trash already is slightly radioactive. Rather, the question is how much radioactivity should be permitted before requiring regulatory controls. The NRC's Policy Statement provides a consistent basis for making these types of decisions. Our policy will also ensure consistency in the decisions regarding the level of safety associated with the distribution of consumer products that use very small amounts of radioactive material.

I agree that the public supports medical and other peaceful uses of radiation because they save lives. But, you can't have the beneficial uses without the waste. For example, if the distribution and use of smoke detectors that use

900927013, 900911:
PDR COMMS NRCC
CORRESPONDENCE PNU

PDR
DF02
1/1

Mr. Thomas Plate

- 2 -

small amounts of radioactivity were not exempted from NRC regulatory control (as they are now) the costs and administrative burdens would be so significant that their use would be virtually precluded; as a result, many lives would be lost.

The concern regarding potential abuses of this policy is unfounded. Any exemption approved by NRC would include appropriate recordkeeping and other controls to ensure continued protection of the public and environment. NRC would inspect licensed activities to ensure compliance with these controls and would take prompt enforcement action.

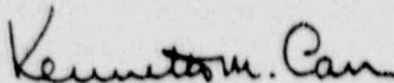
It is important to understand that the policy is not self-implementing -- it is not a regulation. NRC rulemakings and licensing actions over the next several years will be required to implement the policy.

I want to stress that any new NRC regulations implementing the policy will be established only after soliciting and considering public comments on proposed exemptions. Views of the States will be carefully considered. Of course, NRC regulations exempting BRC wastes will not affect the authority of State or local agencies to regulate BRC wastes for purposes other than radiation protection. The policy statement does not by itself require Agreement States--those that regulate under agreements with the NRC--to adopt the radiation dose criteria in the policy. However, Congress clearly intended that there be uniformity between the NRC and Agreement States on basic radiation protection standards.

The potential for problems from conflicting radiation protection standards is readily apparent when BRC materials are considered. Suppose each State set different criteria for the maximum level of residual radioactive contamination in soils and building material that would be allowed for disposal in an unlicensed facility. This would mean that any State attempting to ensure that adequate funds are set aside by its licensees for decommissioning will need to take a multitude of different standards and corresponding costs into account, unless the State can somehow assure itself that it knows where the wastes will eventually be disposed of and estimate costs accordingly. Confusion from such conflicting standards could mean delays in cleanup of contaminated sites and resulting public concern.

I believe that the NRC should continue to establish basic radiation standards, including the classification of materials that are below regulatory concern. This is important to ensure a proper, uniform, and consistent level of protection for the public and the environment from the beneficial uses of radioactive materials.

Sincerely,


Kenneth M. Carr

AUG 6 1990

Radiation for the Average Landfill

Press Intelligence, Inc.

WASHINGTON, D.C. 20005

Front Page	Edit Page	Other Page
---------------	--------------	---------------

LOS ANGELES, CA.

TIMES

M - 1,113,459

S - 1,584,857

88

AUG 6 1990

■ **Nuclear waste:** Deregulation by the NRC could open virtually every American site to low-level radioactive material.

By **GEORGE MILLER**

Apparently buoyed by the success of the deregulated savings and loan industry, the Bush Administration has just opened the door to deregulation of nuclear waste. This policy is not only potentially threatening to the public health, but it is unnecessary.

The Nuclear Regulatory Commission has announced that it will allow disposal of some "low-level" nuclear waste along with common household garbage in ordinary landfills. This defies common sense. It also represents a historic and unwarranted reversal of current policy, which requires the use of licensed low-level radioactive waste sites.

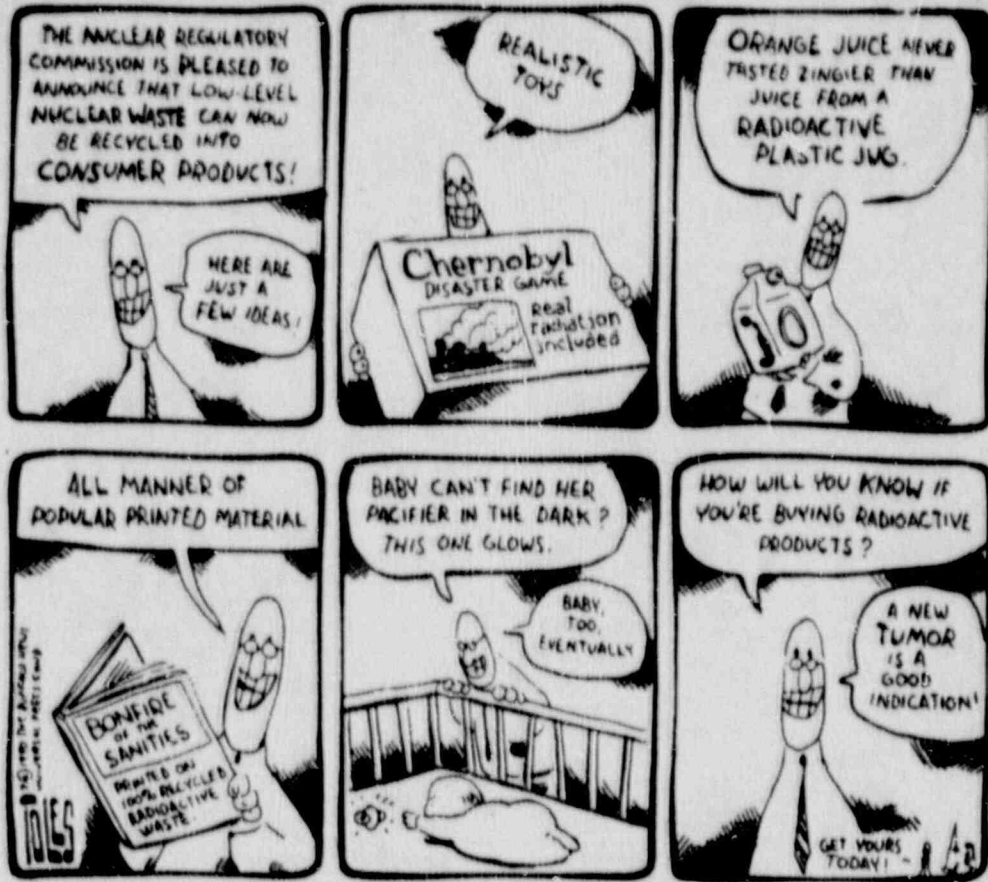
The NRC commissioners who proposed the change argue that deregulating low-level nuclear waste will free the agency's overworked staff to better regulate "real problems," such as more dangerous radioactive waste and nuclear plant operations.

But instead of receding from its responsibilities, the NRC should better utilize its ample resources to regulate the nuclear industry. Given the already low credibility of the industry, discarding the NRC's responsibility to monitor low-level radioactive waste will further undermine its image.

The NRC policy is in conflict with the opinions of many scientists, who believe that low-level radiation may pose a greater threat to public health than originally thought.

In June, the International Commission on Radiological Protection recommended that radiation-exposure limits for workers be cut by more than 50%. And in December, 1989, a panel of the prestigious National Academy of Sciences concluded that the risk of developing cancer after exposure to low levels of radiation is three to four times higher than previously believed.

The new NRC policy would permit an unlimited number of exemptions as long as the total exposure to an individual from all exemptions is less than 100 millirems per



year. Deregulating low-level nuclear waste could increase exposure to radiation by as much as 25% for some people. The NRC argues that the increased exposure is acceptable because it is smaller than the 360 millirems that the average American receives every year from background radiation and radon gas. The NRC neglects to mention that radon exposure alone causes lung cancer in up to 20,000 Americans every year.

Supporters of the NRC policy argue that deregulating nuclear waste would reduce the American nuclear industry's radioactive waste disposal bill by as much as \$35 million per year by exempting up to one-third of the radioactive wastes from nuclear plants from current regulation.

But is it rational to turn virtually every landfill in the country into a potential, unregulated radioactive waste dump to save money? And even if there is some level at which radioactive waste is not hazardous, it would be very difficult to ensure that unscrupulous operators do not try to save even more money by putting extremely dangerous waste in the local dump rather than in a licensed repository. The policy is also troublesome because it could exempt a large volume of presently hazardous waste from cleanup at radiation sites, like decommissioned nuclear plants.

Even more disturbing, the NRC deregulation policy would permit higher radiation exposure than similar policies proposed by

our Environmental Protection Agency, Great Britain, Canada, Japan and Finland. The NRC policy is also inconsistent with recommendations of the International Atomic Energy Agency and the National Council on Radiation Protection. Furthermore, the NRC is pursuing this policy over the objections of its own experts.

As further justification, the NRC points to similar exemptions allowed for medical technologies, such as X-rays. But the NRC fails to understand that the public supports the use of radiation for medical purposes because it saves lives. There is no such benefit from the deregulation of nuclear waste. In fact, the policy could cause additional cancer deaths.

Already, a number of states and locales have passed laws banning the disposal of radioactive waste in ordinary landfills. It seems likely that more communities will pass such restrictions if the NRC continues to insist on its nuclear-deregulation effort despite the hostility of the public and the skepticism of industry. Unfortunately, under current law, the NRC has the power to force states to accept its policy.

If the NRC continues to pursue this misguided policy, Congress should, at a minimum, remove the NRC's authority to impose it on the states.

Rep. George Miller (D-Martinez) is a senior member of the House Interior Committee.