



CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS, INC.

POSITION

Relating to: Exemptions from Regulatory Control

The U.S. Nuclear Regulatory Commission (NRG) issued an Advance Notice of the Development of a Commission Policy on Exemptions from Regulatory Control for Practices Whose Public Health and Safety Impacts are Below Regulatory Concern (BRC). The NRG has recognized that, if a national policy on exemptions from regulatory control is to be effective, state and local radiation control programs will plan an important implementation role.

The NRG intends that rules following the development of a BRC policy for exemptions will be a matter of compatibility for Agreement States. Additionally, all radiation control programs could be potentially impacted by the application of the policy to naturally occurring and accelerator produced materials (NARM).

Therefore, the Conference of Radiation Control Program Directors, Inc. (CRCPD), intends to provide coordinated input during the development of the policy and subsequent rulemaking. The Conference represents all of the state and local radiation control programs in the United States. Therefore, the position of this organization on this issue should be vital.

CRCPD POSITION

- I. The Conference supports the establishment of a policy and rulemaking on exempting from regulatory control those practices whose public health and safety impacts are below regulatory concern. The development of a sound, riskbased policy should establish a frame of reference below which further regulation is unnecessary. As a result, regulatory agencies will be able to devote their time and resources, which often are limited, to radiation problems of greater significance.

- II. The Conference supports the concept of justification of practice for those being considered for exemption from regulatory control. In order that unnecessary exposures from frivolous uses of radioactive material can be prevented, a practice, particularly one involving a consumer product, should be justified prior to exemption. However, once a particular practice, such as a specific consumer product or waste disposal method, has been justified, further justification of the same process on a case-by-case basis should not be necessary unless it contains modifications which could alter radiation exposures to the public.

In establishing an exemption policy, the Commission should exclude certain practices for which there appears no justification. Examples of practices and products which should not be considered for exemption are those that come into direct contact with human beings, such as food, drugs, cosmetics, and toys, and products which are considered frivolous and/or in which the radioactive portion serves no functional role, e.g., lightning rods and jewelry.

- III. NRC's choice of 10 millirem (mrem) as an exemption criterion and a 100 mrem limit for exempted activities does not appear to be consistent with the exposure limits from licensed activities; e.g., the 25 mrem limit for fuel cycle facilities.

Any exempted produce or practice should be based on the fact that associated individual risks are trivial. The use of an individual dose criterion in the range of 4 - 5 mrem appears to be more appropriate in light of risk estimates, possibility of exposure from combined exempted sources, regulatory actions being taken with regard to licensed activities, and the recommendations of the International Atomic Energy Agency (IAEA). The IAEA has recommended a trivial individual effective dose equivalent in the range of 10 - 100 microsieverts (1 - 10 mrem) per year, which represents an associated risk of 10^{-7} to 10^{-6} which most experts hold to be of no concern.

- IV. If basic justification and dose criteria for a practice to be exempted are met, the process by which these are achieved would, in effect, demonstrate that the doses are as low as reasonably achievable (ALARA) without further cost-benefit analysis.
- V. The U.S. Environmental Protection Agency (EPA) and NRC should coordinate development of an individual dose criterion. We must have a general consensus among regulatory agencies on this issue. Inconsistencies between levels established by federal agencies are difficult to justify to the public and licensees. Additionally, the NRC should coordinate any ensuing rulemaking efforts with other federal agencies such as the Department of Transportation and the Department of Energy.

Adopted by Conference Membership May 21, 1989
Original signed by Charles M. Hardin, Executive Director