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PROPOSED RULE **PR** 30,31,32 170+171
(64FR40295)

Secretary
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Reference: Proposed Rule 64 FR 40295; July 26, 1999

Dear Secretary,

We are disappointed that the transcribed meeting commentary was not available prior to the deadline for submitting comments. This should never happen. Anyone wishing to comment on the proposed rule should be able to review the meeting commentary prior to submitting their comments.

Nevertheless, in order to comply with your deadline of October 12, 1999, we enclose our comments on the above referenced rule.

Sincerely,


William E. Lynch Jr.
President

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October 11, 1999


Secretary
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

COMMENTS ON PROPOSED RULE 64 FR 40295; JULY 26, 1999

We have closely followed the dialogue that has led to Proposed Rule 64 FR 40295 and believe that it is appropriate to develop additional safeguards to insure that certain generally licensed measuring, gauging, and controlling devices are properly maintained and controlled to avoid any potential harm to the public. These devices have been identified as those that present a comparatively higher risk of exposure to the general public. They include devices containing minimum quantities of cesium-137, strontium-90, cobalt-60, or any other transuranic.

However, it has become equally apparent that CFR 31.5 covers too wide a spectrum of products for effective control and regulation. It would be far easier for general licensees to understand their responsibilities and obligations if they didn't have to decipher what does and does not apply to them. The August 12, 1999 mailing to NRC General Licensees which included FR Vol. 64, No. 149 and Fr Vol. 64, No. 142 is a good example of this problem. Based on the large number of calls that we received from general licensees of self-luminous signs, we can attest to the confusion that this mailing caused. We suggest that "byproduct material contained in devices designed and manufactured for the purpose of producing light" be removed from CFR 31.5 and reclassified into a new category. In so doing, the safeguards and regulations appropriate to those devices can be clearly stated, thereby making it easier for the general licensees who possess them to understand their obligations and thus help insure that the devices are handled, used, and eventually disposed of in the proper manner.

Sincerely,


William E. Lynch Jr.
President