



AUCRES NUMBER PR-3040,61 et al.
DOCKETED RULE (50FR 23960) (30)

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OFFICE OF SECRETARY
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August 5, 1985

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Proposed Financial Responsibility Requirements

Dear Sir:

This letter is in response to your request for comments on the proposed financial responsibility requirements as listed in the Federal Register on June 7, 1985.

It is my understanding that the regulations as proposed would even cover industrial users of small quantity sealed source gauges. The small quantities of radioactive material in sealed source gauges poses at most a small danger to the general public or the surrounding environment.

In most industrial applications, gauges are limited to areas where only company employees could be exposed to a possible leak, and these employees are protected from such releases by existing laws (OSHA, MSHA, and state laws). It should also be noted that the Federal and State laws (as part of the radioactive materials licensing procedure) adequately protect the public from improper disposal of these radioactive gauges.

The intent of the new law is to provide funds for the clean up of major radioactive materials releases that pose a potential danger to the public. Since small quantity sealed source gauges in normal industrial use do not pose a threat to the general public, the new regulation should include an exemption (based on the quantity of radioactive material) for industrially used sealed source gauges.

If an exemption is not included, industrial users would have to obtain expensive environmental impairment liability insurance or environmental performance bonds. It should be noted that even federally permitted

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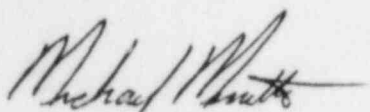
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hazardous waste disposal sites have not been able to obtain environment liability coverage, so how would industrial users obtain it. Since current laws and regulations adequately cover small quantity radioactive wastes, the added costs of financial guarantees would be more than any additional protection the public would receive.

Respectfully,

A handwritten signature in dark ink, appearing to read "Michael Minette", with a stylized flourish at the end.

Michael Minette
Permits & Planning Engineer

MJM/nh