

HARREL

The Hi-Tech Extrusion Systems People

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September 13, 1999

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

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

Dear Sirs:

Subject: Proposed Rulemaking. 10CFR Part 21, RIN 3150-AG06
10CFR Part 21, RIN 3150-AG03

1. The proposal indicates that no negative comments were received on the proposal. Kindly amend that to cover this very, very strong protest against the proposal.

2. I realize that this protest should have been voiced earlier. My apologies. I can only plead the general difficulty in a small company of ignoring a desk full of urgent customer matters to plow through 28 or more pages of government-eese!

3. We are a very small company marketing a nuclear gauge, using an approved 100 mCi sealed source of Americium 241 to measure the thickness of a plastic sheet. We have been relatively inactive the past few years, but coincidently are just planning a major marketing push - because the device is very serves a very useful function in a very important industry. The proposed rule will have a serious negative effect.

People are already paranoid enough about anything nuclear - as illustrated by some of the comments you cite. That is the biggest barrier we have always faced. Mention anything nuclear, and the paranoia surfaces.

The function of NRC rules is not to add to this paranoia but to preserve public safety in a reasonable manner. I submit that the proposed rule is a "feel good" matter which will not really accomplish anything beyond a major increase in the costs to those who make a legitimate use of a nuclear device.

4. Frankly, I find it difficult to imagine that anyone could ever be so boneheaded as to dispose of a nuclear device in the scrap heap. I simply don't believe that an increase in administrative costs is going to accomplish anything. What is needed is education in the proper use of the device all up and down the chain. Perhaps some very, very distinctive marking of the device would help to drive the message home. We would be most happy to participate in any program of these types. but anything that drives the cost of owning the unit up by adding another layer of governmental reporting and regulation is all it will take to eliminate a large portion of the market for a very, very worthwhile device

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5. I note that one of the cited applications for isotopes is lighting. This is in effect a consumer item. Certainly it is much more likely that someone would put a lighting device into the waste stream improperly than an instrument costing several thousand dollars, such as we make. Perhaps it would make sense to handle consumer type items differently from a regulatory standpoint.

6.. By all means increase the penalties for improper disposal. Require distinctive markings, insist on proper warnings to go along with each device, insist on proper education of users - do all those things. But don't penalize the people who are not violating good practice by adding to their costs!!!!

7. One can certainly sympathize with the folks at the steel mills. But this rule isn't aimed at the real culprit, and there is no reason to believe it will stop the sort of thing they speak of. If some people are going to act irresponsibly, putting a burden on other people isn't going to cure things. Let the steel mills install nuclear monitoring equipment. It would be a lot more effective.

8. We routinely accept the return, at no charge, of our gauges when they are no longer being used. The NRC should encourage others to do the same, and insist that Specific Licensees include appropriate warning and training manuals with the gauges they ship. That will be a lot more effective than adding another layer of administration.

I strongly urge that this rule be rejected. Needless to say, I will be happy to answer any questions that may be raised.

Thank you for your consideration.

Very truly yours,


Helton E. Harris
Radiation Safety Officer

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