

CENTRAL EMERGENCY SERVICES
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Providing the Best"**

OFFICE
OF
ADJUDICATION

August 23, 1999

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

Secretary,
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington D.C. 20555-0001

**COMMENTS ON NRC PROPOSED RULES
63 FR 66492 AND 64 FR 40295**

Central Emergency Services is a local fire and EMS service provider in the State of Alaska. We have enforcement authority for provisions of the Uniform Fire Code, which requires illuminated exit signs for certain occupancies. In addition, we also have requirements for our own properties for illuminated exit signs.

We currently use radioactive powered exit signs in all of our fire stations. The rationale for the use of these devices is that they will always work as they are not power dependent, and they are easier to maintain in that we do not have to replace burned out bulbs in the exit signs.

I have reviewed the information that you have mailed to us for comment. You have requested comments in the following areas:

1. **Whether the registration should include a provision that would require the general licensee to completed registration by a certain time, whether or not the NRC requests registration.** "No, the commission should not require registration until the NRC requests it. This sort of requirement would increase paperwork for all involved parties that may not be needed until a determination has been made that the information is needed to satisfy a requirement of the regulations."
2. **Whether it is appropriate for new devices obtained by registrants to be registered when the annual re-registration is carried out.** "Yes, it makes sense that the logical time to add or subtract devices would be at the annual re-registration. This would provide only one information flow, which will reduce paperwork,

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cost of implementation, and the chance for errors and/or loss of materials.”

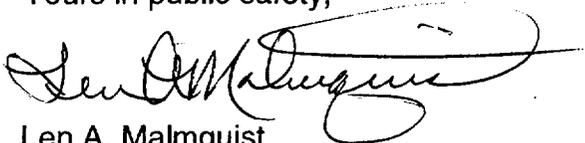
3. **Whether the general licensee should assign a backup responsible individual.** “No, the requirement is not needed. General licensee’s should be advised of the need to have responsible individual(s), and they should be encouraged to have one, or more, backups available. Most of the licensee’s will be responsible.”
4. **Should information be provided to potential general licensee’s earlier?** Yes. The consumer should have all information available to them PRIOR to their making a purchase that would make them a party to these regulations. If the purchase of a regulated device is \$200.00, and it costs \$420.00 to register it and another \$250.00 to dispose of it properly, then the consumer may make the decision to purchase an alternative type of device. The proposed rules will probably force some manufacturers out of business, as the consumers will not purchase their products due to the regulatory requirements and costs of these proposed rules. Unfortunately, some of these products are superior to the alternatives—specifically the use of radioactive powered exit signs vs. electrically powered exit signs.”
5. **The advantages and disadvantages of a national database of general licensees and their devices.** The advantage of a national database would be that there would be one central location with information on who had devices, and what type of devices. The disadvantages include: the cost to set up such a database; the stigma of having your company’s name in the database; the potential for receipt of unsolicited comments from readers of the database; and the potential for misuse of the database by outsiders.
6. **Are the proposed fees reasonable?** No, they are not reasonable. The intent of having a single fee for a registrant makes sense. But, if the registrant has only one small device and the fee is much more than the device, where is the incentive to use the device? Also, using the exit signs as an example again, does the fee recognize that the consumer purchased the device to improve the safety of a building for the general public?

After reading the material provided, I fail to see the need for the proposed regulations. The material did not document where the problems were, to what extent the problems have impacted the general public, the financial costs of implementing the rules compared to the costs of leaving the rules as they are currently written; and the potential for loss of business due to the costs of compliance with the proposed regulations.

If the intent of the rules changes are to make sure that general licensee's know the rules, follow labeling requirements, and dispose of their devices properly, then it would make more sense to make sure that all general licensee's know what is expected of them. We did not receive any information from the manufacturer, distributor, or supplier on any of these items regarding the illuminated exit signs that we purchased. Complete instructions, including the regulatory requirements, should be packaged with all devices so that consumers know what is expected of them.

Please provide us with a copy of the adopted regulations when they are completed. We do wish to be compliant with your regulations.

Yours in public safety,



Len A. Malmquist
Fire Chief



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 12, 1999

To NRC General Licensees:

Enclosed are two notices of rulemaking which may affect you. The first is a final rule that requires Nuclear Regulatory Commission (NRC) general licensees respond to requests for information that we may make. This rule will be effective October 4, 1999. The second rule was published to solicit public comment before completing a final rule. This rule proposes requirements for a registration process and payment of fees that NRC plans to initiate for licensees who possess certain generally licensed devices. Presently, registration is planned for devices that contain certain types and quantities of radioactive materials.

You are being sent a copy of these rules because our records show that you received a device which is generally licensed under Title 10 of the Code of Federal Regulations. Thus, you may be considered to be an NRC general licensee. The devices containing radioactive material included under a general license are various types of measuring, gauging, and controlling devices, as well as devices for producing light or an ionized atmosphere. Among the most common devices are self-luminous exit signs, gas chromatographs, and other gauges used to measure product level, thickness, density, or chemical composition.

If you wish to comment on the proposed rule, please follow the instructions in the notice. The comment period closes on October 12, 1999.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. N. Hickey".

John W. N. Hickey, Chief
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

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NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001**

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**CENTRAL EMERGENCY SERVICES (644584)
MAINTENANCE SUPERVISOR
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