

DOCKET NUMBER
PROPOSED RULE **PR** 30, 31, 32, 170+171
(64FR 40295)

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**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 2055-0001**

23 AUGUST 1999

**SUBJECT: COMMENTS ON PROPOSED RULES
10 CFR PARTS 30,31,32,170, AND 171**

Gentlemen, and Ladies:

It is often difficult for me to believe the extent of naivety of my government. And most certainly this is one of the most ridiculous collections of data I have ever seen. The proposed rules are full of fallacies and projections that only a government employee could love. To wit:

- A. As a potential general licensee, we have (5) nuclear isotope powered exit signs which would come under this regulation. My electrician tells me we can replace all five for less money than the proposed fee to license the existing units for one year. How many of the potential licensees are similar? Obviously we will not pay the fee. This begins the collapse of the number of licensees, and escalates the rate other licensees pays, which in turn snowballs in to removal of any device where a powered option is available and cost effective.
- B. The Ohio Basic Building Code, patterned after BOCA, currently will not permit the installation of these exit signs anyway. Most of the Industrial States follow the BOCA pattern. This regulation went into effect approximately in 1995. The brightness required for exit, under the new codes cannot be met by these devices. Therefore most in use devices of this type are over five (5) years old. The published useful life of the devices is only ten years, at which time the device has decayed 50% over its new and safe condition of 100% of originally authorized radiation.
- C. Our company is in new construction, (Architects, Engineers, and Consultants), and we have not recommended the installation of such devices since 1993, primarily due to the current requirement of registration, and later due the code requirements.
- D. As Engineers, we are familiar with other industrial sources used as BETA gages (for thickness), gas Chromatography (for molecular identification), point source, (for level detection) and other uses where radiation is cost effective, and accurate. However in each case, there are alternatives that can be used without licensing Fees. When taken over a ten year useful life, the licensing fee is substantial when performing life cycle cost analysis.

We believe that the result of this proposed rule will leave the NRC with progressively less to regulate, and fewer licensees to share in the cost. Page 40297 states that the fee could be some what higher in the final rule, (i.e.) by using a formula of cost divided by licensees. Since I am telling you we will convert, this statement must be changed to "will" vs the conditional "could". And you well know we will not be the only ones to scrap out devices to avoid the fee. Further, we will cease to recommend any nuclear device for industrial use where a non nuclear substitute is available.

If the intent of this proposed rule is to eliminate all nuclear devices possible, then this is a good first step toward that goal.

SEP 2 1999

Acknowledged by card

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SECY02

Based upon my understanding of sales volume, smoke detector ionization sensors, represent a larger share of radiation devices in use, and including them in the regulations would make your divisor considerably larger thus reducing the fee substantially. However, confronting the general public with such an idea would seem to be politically unwise.

In any event the inclusion of "EXIT" signs in this proposed rule and fee structuring is ridiculous. You obviously needed the inclusion to increase the divisor, a goal it will not achieve.

Charles W. Watson, P.E.
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August 27, 1999

NOTE TO: Emile Julian
Chief, Docketing and Services Branch

FROM: Carol Gallagher
ADM, DAS



SUBJECT: DOCKETING OF COMMENT ON PROPOSED RULE - REQUIREMENTS
FOR CERTAIN GENERALLY LICENSED INDUSTRIAL DEVICES
CONTAINING BYPRODUCT MATERIAL

Attached for docketing is a comment letter related to the subject proposed rule. This comment was received via the rulemaking website August 26, 1999. The submitter's name is Charles W. Watson, P.E., 2575 Medina Road, Medina, OH 44256. Please send a copy of the docketed comment to Catherine Mattsen (mail stop T9F-31) for her records.

Attachment:
As stated

cc w/o attachment:
C. Mattsen