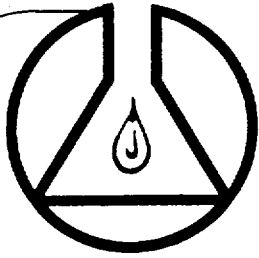


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ADJ

August 31, 1999

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

Greetings:

These comments pertain to the proposed rules in the *Federal Register*, Volume 64, Number 142, Monday, July 26, 1999, Section 31.5 (c)(15), regarding the two year storage time limit.

Our company is a small laboratory using several electron capture detectors on gas chromatographs. These detectors each contain 8mCi of 63Ni. The radioactive isotope is a replaceable foil located inside the detector. The user ships the device out to an approved facility for replacement of the foil and or internal cleaning.

It is not uncommon for these devices to be stored for periods exceeding two years and then be put back into use for special projects. For instance, the *Safe Drinking Water Act* specifies testing for contaminants on three and nine year intervals. While some devices may be in use during this time frame, other devices may be in storage for use during the peak demand time. In addition, a device needing foil replacement may be kept on hand to minimize down time. The device is eventually shipped out for foil replacement while another device is kept in service.

I can understand the desire to avoid individuals stockpiling unusable devices as a means of avoiding proper disposal, however an electron capture detector can be stored for more than two years and still be in usable condition. It would be unreasonable to require the disposal of the detector simply because it hasn't been used for two years.

While an electron capture detector in need of service still has value to a laboratory, other devices may not. From reading the proposed regulations it seems that a substantial number of devices are unaccounted for at the present time. At least some of these devices may have found their way to other general licensees capable of caring properly for the devices. Owners of such devices when faced with a two year maximum storage time may be reluctant to admit the presence of all of the devices on the premises, in particular, any devices they may have acquired without authorization. In such cases the two year maximum holding time may actually run contrary to the purpose of the proposed rule and encourage some to withhold disclosing the presence of these devices or improperly dispose of the devices.

I believe that accounting for all of the devices is far more important than time restrictions on device storage. Please consider eliminating the time restrictions on storage of devices or alternately, consider exempting devices with replaceable isotopes from the time based storage rule.

Sincerely,

Richard C. Stump II
Laboratory Director

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Acknowledged by card

SECY02