

NOV 27 1979

The Honorable Gary Hart, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of a Notice of Proposed Rulemaking to be published in the Federal Register and a public announcement.

The proposed amendments to Title 10, Code of Federal Regulations, Part 32 would apply to "gas and aerosol detectors" that contain radioactive material and are designed to protect life or property from fires and airborne hazards. Smoke detectors, usually containing americium-241, are part of this general class of detectors, and are extensively distributed to homeowners and other users of the product but not regulated by the NRC at the point of use.

One of the licensing requirements for this product is the labeling or marking of the device such that the manufacturer and the radioactive material can be identified. It has been common practice for manufacturers or distributors to place the label inside the detector cover. This labeling practice has resulted in severe criticism of a regulatory program that does not make it clear to a prospective purchaser, in advance of purchase, that the smoke detector contains radioactive material.

The proposed amendments would require labeling of the external surfaces of both the smoke detector and the point-of-sale packaging, if the device is packaged individually. The required labeling information on both the smoke detector and package would be: (1) the name of the radionuclide and the quantity of activity, and (2) a statement indicating that the detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions. Additionally, an identification of the manufacturer or distributor would be required on the smoke detector itself. Licensees would be allowed a time period of 6 months to comply with these labeling requirements for the manufacture and packaging of new detectors.

In addition, the proposed regulations would not require any statement on the label that the user return the device to the manufacturer or distributor for disposal at the end of its useful life. A statement to this effect has often been included in present labeling practices. However, it is believed that users

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of smoke detectors are liable to ignore this recommendation and discard these products into ordinary household trash. Analysis of the consequences of such disposal into ordinary waste systems indicates that this does not result in a safety problem (on file in NRC's Public Document Room under SECY-78-492, IONIZATION TYPE SMOKE DETECTORS, dated September 17, 1978).

The proposed amendments will have a 45-day public comment period after publication in the Federal Register. A public announcement will be issued.

Sincerely,

Original signed by G. A. Arlotto

Sign NOV 20 1979

Robert B. Minogue, Director
Office of Standards Development

Enclosures:

- 1. Notice of Proposed Rulemaking
- 2. Public Announcement

cc: Sen. Alan Simpson

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Identical letters sent to the attached mailing list.

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MAILING LIST

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The Honorable Gary Hart, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

cc: Sen. Alan Simpson

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Steven Symms

The Honorable John D. Dingell, Chairman
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Committee on Interstate and Foreign Commerce
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cc: Rep. Clarence J. Brown

The Honorable Toby Moffett, Chairman
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