

DOCKET NUMBER
PROPOSED RULE

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(44 FR 68853)

December 18, 1979



Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

Dear Sirs:

I am writing in reference to your Federal Register notice (44 FR 68853) concerning the proposed labeling requirements for smoke and gas detectors. This appears to be a superfluous requirement, one which could cause needless worry and concern on the part of consumers, and is an unjustifiable burden on the industry.

Beginning with the requirements for a label on the exterior of the unit, I will comment on each subparagraph:

32.29(b)(1)(i): The statement, "CONTAINS RADIOACTIVE MATERIAL," is neither aesthetically-pleasing to have hanging from a ceiling or wall but makes one feel as though there is imminent danger. I believe that the public has been sufficiently educated on these devices to realize that they contain a radioactive material. Even if some have not, during installation or when the battery is being changed it is very easy to see the internal labeling; besides, if someone is that concerned, he will know that he can remove the cover and check the contents. Further, I believe, that the package the unit is in and its accompanying instructions make mention of the fact that radioactive material is present. Why cause needless concern and make a less aesthetically-pleasing cover when the information being given is readily available in so many other convenient places?

32.29(b)(1)(ii): If as many as five percent of this country's population knows (or cares) what americium-241 or what a microcurie is I would be very surprised. This is another possible source of unwarranted concern on a consumer's part because this manner of presenting information, which is marginally useful by a typical consumer at best, could be intimidating when no intimidation is needed. This information is available under the cover and can be easily found if there is a need for it.

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32.29(b)(1)(iii): The manufacturer is easily identified by removing the cover. Again, if someone is that concerned about it, he will know where the information is and can easily find it. Why is it necessary to put this information on the outside of the unit's housing?

As for the point-of-sale packaging, much the same arguments can be made:

32.29(b)(2)(i): You want to require on the package the statement, "THIS DETECTOR CONTAINS RADIOACTIVE MATERIAL WHICH PRESENTS NO SIGNIFICANT HAZARD TO HEALTH IF USED IN ACCORDANCE WITH THE INSTRUCTIONS." The information imparted by this statement is necessary and should be required to be given in some form. However, I believe that you need to examine the psychological impact of presenting the information in this manner. The way it is proposed makes one think that there is an impending hazard if the instructions are not followed exactly. This is preposterous! Admittedly without the benefit of every detector design but only of the two which I possess, it appears that it would take a concerted and deliberate effort to uncover the source and even then, unless it was swallowed, it would present a miniscule risk. So why worry the public in this unnecessary manner? There is more detriment to health from the use of razor blades in one morning across the country than will ever occur from radiation through the use of smoke detectors from here to eternity but no one wants to put a similar warning statement on razor blades! This subparagraph should be rewritten to require that the information be given but allow the manufacturer the option of how to present it.

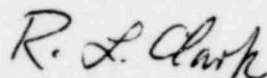
32.29(b)(2)(ii): Again, as in the comment on subparagraph 32.29(b)(1)(ii) above, identifying the nuclide and its activity is a useless attempt at communication, an unjustifiable requirement on the industry, and a possible source of unneeded consumer concern.

Finally, disposal instructions, I have a feeling, are rarely followed, but I believe should be furnished. Once again a person who is concerned realizes those instruction are available inside the housing and can easily find them there.

In summary, as the rulemaking is currently proposed I believe that it could be more of a hazard to health than are the detectors by possibly discouraging use of them by consumers through the creation of an exaggerated perception of risk. This could lead to much larger numbers of deaths by fire than could ever be caused by the radiation involved. Also, I believe that these requirements are an unjustified burden on the industry and will result in a less aesthetically-pleasing product. Let us keep a proper perspective on these matters and not overreact to the current fad of attacking radiation usage in any shape, form, or manner. With the exception of the change which I suggested to 32.29(b)(2)(i) I would urge that the entire rulemaking be pursued no further.

I hope these comments will be useful.

Sincerely yours,



R. L. Clark