



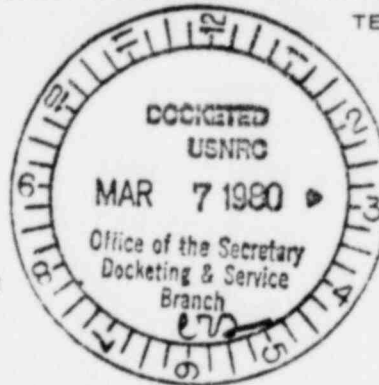
# STATITROL

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EXPRESSED RULE PR-32 (28)  
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Secretary of the Commission  
U.S. NRC  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Gentlemen:

Statitrol just recently encountered Federal Register, Vol. #4, No. 232, concerning a proposed rule change on smoke detector labeling. The comment period has expired, but we would still like to make our position a matter of record.

Statitrol's argument in opposition to the proposed rule is summarized in the following statements. The subsequent discussion expands on these points:

1. The message to the consumer contained in these two marking requirements is clearly "buy and use this product at your own risk".
2. If you object to the above interpretations, contrast the impact of the proposed carton statement with the following:  
"This detector may be hazardous to your health if you eat or breathe it. Contains a minute quantity of radioactive material."
3. The proposed action will result in some number of people going without the life-safety protection afforded by a smoke detector.
4. This will amount to denial of benefit to the public by Commission action.
5. It is not a simple and inexpensive matter for industry to make the proposed changes as you apparently assume. Six months is not enough time to accomplish the revision and use up old inventory.
6. Authorities recognized world wide, such as Nuclear Energy Agency, have not been concerned over the kind of labeling proposed. Canada has recently required all disposal instructions removed from the device.

Acknowledged by card: 5-19-80



BETTER FIRE DEFENSE PRODUCTS - WORLDWIDE

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7. The proposed rule says in effect that regardless of all the regulatory action taken to determine that ionization smoke detectors qualify for exempt status, it is important that the consumer be warned continuously that radioactive material is present. The same argument can easily be extended to consumer products which are not marked in any way and contain uranium (colored glass, decorative glaze), or thorium (gas mantles, optical lenses, clock/watch displays), to name a very few that NRC does not require to be labeled at all. (Just think how selective the public could be if wood constructed homes were labeled to indicate the number of ionization detectors that could be installed before the radiation exposure rate inside reached the level of a brick house with gypsum board interior and no detectors.)
8. Considering the above items it is very hard to understand what possible value can be attached to this additional labeling that outweighs its negative impact.
9. If there is no way to dissuade NRC from this action, at least restrict the specification of language to be used on the carton (exclusive of radio-nuclide name and quantity) to the announcement that radioactive material is present. Allow the manufacturer to use his own ingenuity on how best to express the absence of health hazard.

By definition the proposed markings in two places are "Warning Labels". The carton label warns, "This Detector Contains Radioactive Material". It then offers a weak health disclaimer, "Which Presents No Significant Hazard to Health", followed by the requirement, "If Used In Accordance With The Instructions". This implies that if you don't follow instructions there may be a significant health hazard. The fact is all of the instructions are to obtain fire protection. Not word one is directed at avoiding a health hazard. Instructions to that end would have to be a warning not to tear the detector apart to the point of releasing the foil and then trying to eat it or breathe it.

The labels as proposed will scare some people away from buying an ionization detector. Not all of them will purchase a photoelectric type detector, as some "critics" hope. Fewer people will have benefit of the life-safety protection provided by a smoke detector if these rules are adopted. This segment of the public will be denied this benefit as a result of Commission action.

The dollar cost to the industry to label detectors externally and add the statement to the carton is very likely much greater than you have been led to believe. Underwriters' Laboratories listings indicate there are about 50 different company labels involved. Most of those companies



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list several different model numbers, so the number of labels or cartons to be revised will number somewhere in the range of 125 to 350. Cost to change carton artwork will run from \$100.00 to \$1000.00, or more depending on the complexity of the printing. Labels on the outside surface of a detector tend to be unsatisfactory and carry an on-going labor cost with each unit manufactured.

Many, if not all, manufacturers will want to mold the proposed marking into some part of the enclosure. The simplest cases may change the mold for about \$500.00 per cavity. The worst case will require new molds at \$12,000 to \$16,000 per cavity. Some molds will have four or more cavities. It is unlikely the proposed rule change would cost the industry less than \$100,000.00 and could go five, or more times that figure. If you attempt to accomplish the change-over in six months, add additional cost to make the change and add \$50,000 to \$200,000 in obsolete label inventory. If the point of control is the shipping dock, rather than the assembly line, then apply these numbers again to each manufacturer for labor to unpack, re-label, and re-pack.

According to the Federal Register NRC is making this proposal in response to "severe criticism". The source(s) of the criticism is not identified, but the critic(s) seem to be saying that a regulatory program can't amount to much if the product is not saddled with a continuous warning. The mentality and motivation of the source(s) for such an argument are well known. What is surprising is that the Commission would accept the argument and on their own initiative propose this rule change. The critic(s) were not asked to submit a petition for rule change where they would be identified and their argument detailed. Apparently this proposal represents NRC's real position.

If that be the case, then the Commission has forgotten what the exempt status is all about. Review your policy statement, Title 10, Chapter 1, page PS-4 and 5. It is directed at the essentials necessary to safeguard the public while avoiding "...the imposition of regulatory controls on the consumer-user". Nowhere does it have a word to say about the need, despite the fact a product meets all the criteria for exemption, to warn the consumer that the item contains radioactive material, let alone to warn continuously and dramatically. To the contrary, it starts the process by which whole groups of products containing radioactive material are not labeled in any way to indicate this fact. Surely the Commission will open the door for attack on this policy if you proceed with the adoption of these exaggerated labeling requirements for smoke detectors.

The Federal Register refers to a value/impact analysis which supports the proposed action. We have not seen this report, so we do not know directly all of the factors included in the study. We are convinced that negative-impact factors were ignored or given inadequate weight. If you considered the virtual certainty of reduced life-safety protection as a direct result of this proposed action, there is no way you could exaggerate any value to justify adoption of the rule.



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Although the comment period has expired, we felt that Statitrol's argument in opposition to the proposed rule should be documented.

Sincerely,

Paul A. Staby  
Vice-President Engineering  
PS:lg