United States Senate

WASHINGTON, DC 20510

May 14, 1991

Mr. Dennis K. Rathbun Director, Congressional Affairs Nuclear Regulatory Commission Washington, D.C. 20555

Dear Mr. Rathbun:

Enclosed is correspondence I have received from one of my constituents. I would appreciate your investigating the situation and providing my office your views and findings on the statements it contains.

Please respond in duplicate, indicating the constituent's name and address. I would appreciate if it you would send your reply directly to my Missoula field office. The address is:

U.S. Senator Max Baucus Attn: Carlene Nimlos 211 North Higgins Missoula, MT 59802

If you require any further information, the commercial phone number is (406) 329-3123 or you can call FTS 585-3123.

Thank you for your assistance.

Sincerely,

9107230288 910603 PDR ONE NECED CORRESPONDENCE FOR May Bancon

PO BOX 8254 * MISSOULA, MT 59807 * 406-721-0354 * 721-0355

May 8, 1991

TO: Senator Max Baucas

RE: INCREASE IN NUCLEAR REGULATORY COMMISSION FEES FOR SOIL MOISTURE MEASURING DEVICES

Dear Max,

Attached is a copy of a letter to the NRC protesting increased tees for owning and using nuclear soil moisture meters. These devices are becoming more common and more essential to good irrigation management. Proposed fee increases would put most users out of business. Any comment you could provide the NRC to prevent fee increases would be appreciated. Comment is due by May 13, 1991. Please contact me if you have questions or concerns.

Sincerely,

Barry L. Dutton

President, Land & Water Consulting

PO BOX 8254 * MISTOULA, MT 59807 * 406 - 721 - 0354 * 721 - 0355

May 8, 1991

Secretary Nuclear Regulatory Commission Washington, DC 20555 Attn. Docketing and Services

RE: COMMENT ON REVISED FEE SCHEDULE FOR NUCLEAR DEVICE LICENSES

Dear Sirs,
I would like to voice by extreme opposition to your proposed changes in fee schedules for licenses on small nuclear measuring devices. We have a license for a neutron probe which we use to measure soil moisture in irrigated farm fields. This information is used to help irrigators use their limited water resources better.

Your proposal to increase the annual license fee by over \$1000 will probably put this activity out of business. This annual fee combined with the annual inspection fee of almost \$1000 is almost half the price of the neutron probe itself. This is ridiculous compared with the potential exposure or contamination problem. I am not aware of a single instance of serious contamination or exposure from using nuclear soil moisture measuring devices. I do not think it is reasonable to fly an inspector to Montana from Texas to see if I have a padlock on my moisture probe.

There is an increasing emphasis on proper irrigation water use and more irrigation districts, consultants and individual irrigators are going to want to use neutron probes. Your proposed increase in fees will be a serious impediment to better water management.

I encourage you to separate small soil moisture measuring devices and assign fees that are reasonable in relation to their use and potential risk. Otherwise I suggest you eliminate the proposed fee increases entirely and also reduce your inspection fees.

Sincerely,

Barry L. Dutton

Certified Professional Soil Scientist President Land and Water Consulting

cc Senator Max Baucas Senator Conrad Burns Representative Pat Williams

-9105170208 1P.