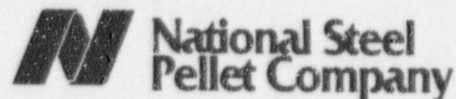


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OFFICE
FULL
ADJUDICATION

PO Box 217
Keewatin MN 55753-0217
(218) 778-8700 Phone
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January 15, 1999

DOCKET NUMBER
PROPOSED RULE **PR 31**
(63FR66492)

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Attention: Rulemakings and Adjudications Staff

RE: Written Comments on the December 2, 1998 Proposed Rulemaking:
Requirements for Those Who Possess Certain Industrial Devices
Containing Byproduct Material to Provide Requested Information

Dear Sir/Madam:

Enclosed please find the original comments of the National Steel Pellet Company on the proposed amendment adding a requirement that general licensees who possess certain devices containing byproduct material provide the U.S. Nuclear Regulatory Commission with information concerning these devices. This proposal was published at 63 Fed. Reg. 66492 on December 2, 1998.

If you have any questions regarding the enclosed comments, please contact me at (218) 778-8736.

Sincerely,

A handwritten signature in ink, appearing to read "John M. Given / C.G.".

John M. Given, Radiation Safety Officer and
Manager - Electrical Systems and Maintenance

Enclosure

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Secretary, U.S. Nuclear Regulatory Commission

January 15, 1999

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cc: LaTisha R. Ulrich (w/enclosure)

John K. Heintz (w/enclosure)

John J. Moran, Jr., Esquire

Chester R. Babst III, Esquire

**Comments of the
NATIONAL STEEL PELLET COMPANY**

on the

**U. S. Nuclear Regulatory Commission's
Proposed Rulemaking:**

**REQUIREMENTS FOR THOSE WHO POSSESS
CERTAIN INDUSTRIAL DEVICES CONTAINING BYPRODUCT MATERIAL
TO PROVIDE REQUESTED INFORMATION**

63 Fed. Reg. 66492, December 2, 1998

**Submitted on January 15, 1999
via First Class U.S. Mail**

**COMMENTS OF THE
NATIONAL STEEL PELLET COMPANY
ON THE PROPOSED RULEMAKING REGARDING
REQUIREMENTS FOR THOSE WHO POSSESS
CERTAIN INDUSTRIAL DEVICES CONTAINING
BYPRODUCT MATERIAL TO PROVIDE REQUESTED INFORMATION**

I. INTRODUCTION

National Steel Pellet Company ("NSPC"), a subsidiary of National Steel Corporation, operates a 5.3 million long ton per year iron ore pellet production facility in Keewatin, Minnesota. NSPC's manufacturing activities involve the use of byproduct material covered by an U.S. Nuclear Regulatory Commission ("NRC") general license. If promulgated as proposed at 63 Fed. Reg. 66492 on December 2, 1998 (hereinafter referred to as the "Proposed Rulemaking"), the information request provision would directly impact NSPC. Accordingly, NSPC thanks the NRC for this opportunity to submit comments and requests that the NRC take these comments into account prior to finalizing the Proposed Rulemaking.

II. SPECIFIC COMMENTS

NSPC does not oppose the regulatory language proposed at 10 C.F.R. § 31.5(c)(11). However, NSPC is concerned with the NRC's selected methodology for initially targeting licensees for registration. As discussed in the preamble language at 63 Fed. Reg. at 66493, 1st col.:

Initially, the NRC will use the criteria developed by the working group to determine which devices should be registered.

The working group's criteria was provided at 63 Fed. Reg. at 66493, 3rd col.:

Requests for information would be sent to general licensees who are expected, based on current NRC records, to possess devices containing at least 370MBq (10mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of any transuranic (at this time, the only generally licensed devices meeting this criterion contain americium-241). The majority of the devices meeting these criteria are used in commercial and industrial applications measuring thickness, density, or chemical composition in petrochemical and steel manufacturing industries.

NSPC believes that NRC's resources would be more appropriately spent by targeting general licensees that do not currently maintain byproduct material under a specific NRC license. Specifically,

NSPC believes that because businesses with device-specific licenses are required to have a Radiation Safety Officer(s) and actively perform specific testing and inspections, as well as maintain written documentation, these businesses are almost always aware of the byproduct material regulations applicable to byproduct material managed under a general license and are more likely to adequately account for and handle devices containing byproduct material in accordance with the regulatory requirements. In contrast, NSPC believes that businesses without specific licenses are more likely to be unaware of the appropriate regulations and are more likely to inappropriately account for and handle devices containing byproduct material.

In addition, NSPC is concerned that the information obtained through the registration process will be readily available to the public through posting on the internet. Although NSPC does not oppose making the registration information available through the Freedom of Information request process, due to "... the relatively small radiation exposure risk posed by these devices . . ." (see 63 Fed. Reg. 66492, 3rd col.), NSPC does oppose posting this information on the internet. NSPC believes that such posting will unnecessarily cause public concern over the presence and use of these low level radiation devices.

III. CONCLUSION

Again, NSPC thanks the NRC for this opportunity to submit written comments on the Proposed Rulemaking. Consistent with these comments, NSPC recommends that the NRC reconsider its planned approach for deciding which general licensees should be selected for participation in the contemplated registration process. Further, NSPC requests that the registration information not be placed on the internet. Such information should only be available through a Freedom of Information request process.