

**MARK STRAUCH
10130 SOLEDAD CANYON RD.
LAS CRUCES, NEW MEXICO 88011**

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Jacqueline D. Rogers
Office of Worker Safety and Health Policy
Office of Health, Safety and Security
U.S. Department of Energy
1000 Independence Avenue, SW., Washington, DC 20585

Reference: Docket No. HS-RM-10-CBDPP

Dear DOE/HSS

I offer the following comments on the proposed docket:

As a general observation, the beryllium issue has gotten out of hand. We have gone from having less than adequate controls in the early days of the nuclear weapons complex to now having virtual paralysis in executing work activities. I think if you swiped some new beryllium-based golf clubs they would fail current DOE rules.

To the specific questions the docket presents:

4. DOE provided no basis for why wet swiping may be superior to dry swiping. Absent a basis, wet swiping should not be required.

8. One should consider the time frame over which surface contamination may build up versus airborne action levels controls. For a facility that may house operations over a decade, it would seem impossible to control a surface contamination level solely on the basis of airborne action levels.

9. If the contamination is inaccessible, what is the basis for the warning? Does DOE apply this philosophy to the balance of released material in the complex?

10. The EPA is a poor model for cost-effective hazard control. This is because EPA does not generally have to consider costs in its rulemaking and regulatory processes. Both the asbestos rule and the newly released lead rule (regarding controls in home renovation) speak for themselves in terms of regulatory excess and marginal benefits for costs expended.

11. As long as the worker does not later seek damages for beryllium exposure, I believe a worker should have the choice to remain in their position. However, if a worker does not waive the right to seek damages, then their removal should not require their consent.

Sincerely,

Mark Strauch