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OFFICE OF SECRETARY
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ADJUDICATIONS STAFF

U. S. Nuclear Regulatory Commission
Attn: Rulemakings & Adjudications Staff
Washington, D. C. 20555-0001

REF: Comments on RIN 3150-AH06

Gentlemen:

These comments are relative to proposed rules regarding Security Requirements for Portable Gauges Containing Byproduct Material published in the *Federal Register* on August 1, 2003. Of particular interest is the statement: "...The subject of this rulemaking is for portable gauges that are specifically licensed..."

I can only assume that your primary concern is with radiography cameras and portable D/M gauges. However, there are hundreds, perhaps even thousands, of portable X-ray Fluorescence Analyzers which have been distributed as generally licensed devices. Most of these devices contain low activity Cd-109 and Fe-55 sources; however, some of the older analyzers contain Am-241, Pu-238 or Cm-244. Even though regulations ban Pu-238 from general license distribution, both the NRC and some Agreement States have authorized this distribution in Sealed Source and Device Registry Sheets. From experience I know that these analyzers are routinely shipped or carried from site to site.

In summary, the double lock requirement may be "overkill" from a security standpoint, and it will be interesting to see if it in fact reduces lost or stolen sources. My concern is how you will control lost or stolen generally licensed devices since I believe there are more of those in circulation than specifically licensed portable devices.

Thank you for your consideration.

Sincerely,

Radiation Technology, Inc.

Doris C. Bryan, Manager
Licensing & Regulatory Affairs