



DOCKET NUMBER
PROPOSED RULE **PR 30**
(68FR 45172)

FAX



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USNRC

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October 23, 2003 (1:12PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

To: Secretary, U.S. Nuclear Regulatory Comm.	From: Doug Carter, RSO
Co: Rulemakings & Adjudications Staff	Pages: 1 of 2
Fax: 301-415-1101	Date: October 23, 2003
Re: Comments on Proposed Rulemaking	Sent

Re: Security Requirements for Portable Gauges Containing Byproduct Material (RIN 3150AH-06).

Secretary:

The comment period for this proposed rulemaking expired on October 15, 2003, although it was stated that comments received after this date may be considered. We hope that is the case with this correspondence.

CPN International is the second largest manufacturer of portable nuclear density/moisture gauges, following Troxler Electronics of Raleigh, NC. I read with interest the comments submitted on September 18, 2003 by Steven A. Browne, the Troxler Corporate Radiation Safety Officer.

CPN is in complete agreement with all of the comments made. Our further comments are as follows:

CPN maintains records of theft and recovery of all gauges reported to us. These records show that there has **not** been an increase in gauge thefts in recent years. Further, there is no evidence that the thefts that do occur have been for malevolent purposes. They have all been for the personal or monetary gain of using or reselling stolen goods.

About one month ago, the State of California Radiologic Health Branch (CA RHB) formally instituted the regulations the NRC is now proposing. The results, in our estimation, have been disastrous for the following reasons:

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1. The prescriptive procedures are not practical for the wide variety of vehicles used for nuclear gauge transport.
2. Electronic security systems and alarms are impractical in trucks on construction sites. They are damaged and rendered useless by travel over uneven surfaces.
3. Licensing authorities are making and enforcing rules that could only be done by trained security experts or mechanical engineers, even if they were justified.
4. Gauges will continue to be stolen by persistent thieves and from careless gauge owners, regardless of the increased security requirements that adversely affect the diligent and vigilant gauge owner.
5. The negative economic impact on the construction material testing industry cannot yet be assessed, but it will be widespread.
6. We predict an increased reporting of lost and stolen gauges as licensees find they cannot afford either compliance with the proposed rules or lawful disposal of the gauge sealed sources.

Thank you for the opportunity to comment on the proposed rule changes. Please call if you have questions or need clarifications.

Sincerely,



Doug Carter
Radiation Safety Officer
CPN International, Inc.

cc: Jerry Woodbury,
President

Sean Reilly,
Alternate RSO

Steven Browne,
Corporate RSO
Troxler Electronics