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OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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DOCKET NUMBER  
PROPOSED RULE **PR 170+**  
**171**  
**(67FR14818)**

To: Rulemakings & Adjudications Staff	From: Doug Carter, RSO
Co: Secretary, U.S. NRC – Washington, D.C.	Pages: 1 of 1
Fax: 301-415-1101	Date: April 2, 2002
Re: Comment: NRC Proposed FY 2002 Fee Rule	Sent

To Whom It May Concern:

The fees for Category 3P, which include portable density and moisture testing gauges with sealed source radioisotopes, are excessive and detrimental to private industry. The combined fees for a license application (\$1400) and an annual material fee (\$2700) are **\$4100!** This is **80%** of the list price of the device and **more than** the selling price under most competitive bid contracts. Agreement state fees average **one quarter** the proposed NRC fees, causing an unfair disparity in the construction inspection and testing industry.

Even with numerous incidents of loss of control of radioactive material in these devices, including loss, theft, physical damage, and abandonment, there has **never** been an incident that has caused an overexposure or endangered an occupational employee or member of the general public. The devices contain less than 55 mCi of sealed source material and have never been breached due to a field accident.

Under no conditions of misuse could these radioactive materials be used for nuclear weaponry or terrorist activity.

Finally, portable gauge manufacturers, such as CPN International, spend hundreds of hours each year training NRC licensees on the safe and legal use of radioactive materials. Our industry is then penalized by the prohibitive regulatory fees imposed on the products we sell.

Please contact me as shown above to discuss this matter further.

Sincerely,  
*Doug Carter*  
Doug Carter  
Radiation Safety Officer  
CPN International, Inc.

**Template = SECY-067**

**SECY-02**