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January 8, 2003

Josephine M. Piccone
Deputy Director
Office of State and Tribal Programs
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Piccone,

I am writing you with Ohio's comments on the draft proposed portable gauge rule. The draft rule proposes an addition to 10 CFR 30.34 concerning security for storage and transport of portable gauges. These comments were requested in a letter dated December 20, 2002.

Ohio has been concerned with the issue of lost and stolen portable gauges since becoming an agreement state in 1999. In Ohio's opinion the proposed rule will do little to solve the problem of stolen portable gauges. Requiring a second physical barrier will do little to deter a thief who is prepared to defeat the barriers. Adding a second barrier also does nothing to prevent the vehicle in which the gauge is stored from being stolen.

The issue is not the security of the gauges while in vehicles but rather the practice of storing gauges in vehicles parked in driveways or on the street outside of private residences. The NMED quarterly report dated January 2001, which analyzed this problem, said, "gauges were most frequently stolen from vehicles parked at private residences". The NRC used data from this NMED report in Information Notice 2001-11.

Ohio's experience with this portable gauge theft involved a small number of our 108 portable gauge licensees who permitted their technicians to frequently store gauges in vehicles parked outside of residences under the excuse of being in transport. Many of these technicians live less than ten miles from the licensee's secure facility. As thefts under these circumstances continued, despite repeated notices on the subject, we rejected the premise that gauges stored in vehicles at residences were in transport and prohibited the storage of portable gauges that was not in accordance with a radioactive material license. In other words, at the licensee's facility listed on the license or secured at temporary job sites. The only exception allowed is if the temporary job site does not have secure facilities and the site is far enough from the licensee's facility to make return of the gauge impractical.

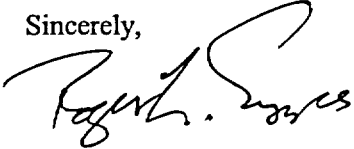
Although it is too soon to draw definite conclusions, Ohio has not experienced a portable gauge theft since implementing this requirement. Out of the 108 portable gauge licensees in Ohio only 3 provided comments against the security requirement. Many other licensees said that they would never consider the practice of allowing their gauges to be stored in a vehicle parked outside a residence.

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Ohio believes that the proposed rule is a step in the right direction in correcting the problem of portable gauge theft, but we believe that it does not address the core issue and will have minimal effect. It has been our experience that enforcing the current regulations and license conditions regarding the storage and security of radioactive material along with rejecting the premise that a gauge stored in a vehicle outside a residence is in transport is adequate to prevent a large number of portable gauge thefts. We do not believe that adding another easily defeated barrier will be enough to substantially reduce the number of these thefts.

Please feel free to contact Michael Snee or myself at 614-644-2727 if there are any questions.

Sincerely,



Roger L. Suppes, Chief
Bureau of Radiation Protection

cc: James L. Lynch, State Agreements Officer