

April 9, 2003

Mr. Timothy A. Ulatowski, Director
Office of Compliance
Center for Devices and
Radiological Health
2098 Gaither Road
Rockville, MD 20850

Dear Mr. Ulatowski:

I am responding to your letter of January 31, 2003, to Roy Zimmerman, Director, Office of Nuclear Security and Incident Response. Your letter requested concurrence with a policy established by the Center for Devices and Radiological Health (CDRH) to allow sale of infrared aiming devices to firms engaged in the protection of NRC-licensed facilities.

The NRC staff has reviewed the variance for 21 CFR Part 1041 issued by CDRH as a result of Nuclear Management Company's request to use laser aiming devices for its nuclear plant security force. The NRC appreciates your prompt response to the request and agrees with and supports CDRH's issuance of a variance for this licensee. The NRC also supports CDRH's policy of permitting sales of infrared aiming devices to other firms engaged in the protection of its licensed nuclear facilities. Please notify the NRC and provide copies of future, similar variances. NRC licensees, even with CDRH's issuance of a variance, remain responsible to assure safe use of infrared aiming devices within their facilities.

Please contact Alan Madison of my staff at 301-415-5374 if you have any questions.

Sincerely,

/RA/

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security
and Incident Response

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Glenn M. Tracy, Director
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NAME	JGoldberg *	CHaney*	GTracy
DATE	03/6/03	03/27/03	04/9/03

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* See previous concurrence