



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 14, 2003

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0092

TITLE: PROPOSED RULE - ENHANCED SECURITY
REQUIREMENTS FOR PORTABLE GAUGES
CONTAINING BYPRODUCT MATERIAL

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 14, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-03-0092

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	7/9/03
COMR. McGAFFIGAN	X				X	7/7/03
COMR. MERRIFIELD	X				X	6/10/03

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on July 14, 2003.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN DIAZ

SUBJECT: **SECY-03-0092 - PROPOSED RULE - ENHANCED SECURITY REQUIREMENTS FOR PORTABLE GAUGES CONTAINING BYPRODUCT MATERIAL**

Approved xx *(initials)* Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

Approve, with Commissioner McGaffigan's edits.

[Handwritten Signature]
SIGNATURE

July 9, 2003
DATE

Entered on "STARS" Yes X No _____

CHAIRMAN REC'D
03 JUN -5 PM 3:14

NOTATION VOTE

RESPONSE SHEET

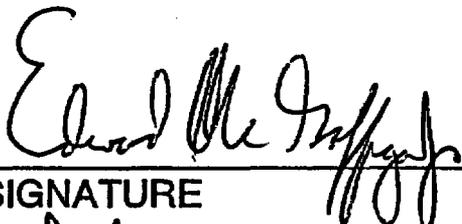
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-03-0092 - PROPOSED RULE - ENHANCED
SECURITY REQUIREMENTS FOR PORTABLE
GAUGES CONTAINING BYPRODUCT MATERIAL**

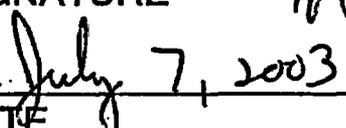
Approved ^{w/comments} Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.



SIGNATURE


DATE

Entered on "STARS" Yes No _____

Commissioner McGaffigan's Comments on SECY-03-0092

I approve the staff's recommendation to publish in the Federal Register the proposed amendment to 10 CFR 30.34. I have only two edits to the Federal Register notice and the proposed rule language to clarify that the proposed rule is applicable only to portable gauge licensees:

In the Federal Register notice, the first two lines in the summary section should be modified to read "The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations in 10 CFR Part 30 governing the use of byproduct material in specifically licensed portable gauges. The proposed rule would require a portable gauge licensee to provide a minimum of..."

In addition, the proposed rule language on Page 20 on the FRN should be revised to read "Each portable gauge licensee shall use a minimum of two..."

EMJ

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-03-0092 - PROPOSED RULE - ENHANCED
SECURITY REQUIREMENTS FOR PORTABLE
GAUGES CONTAINING BYPRODUCT MATERIAL**

Approved Disapproved Abstain
Not Participating

COMMENTS:

See attached comments.



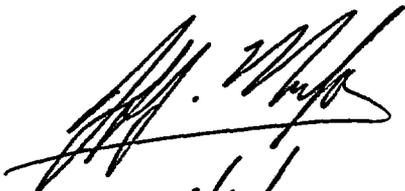
SIGNATURE

6/10/03
DATE

Entered on "STARS" Yes No

Comments from Commissioner Merrifield on SECY-03-0092:

I approve and support the staff recommendations in SECY-03-0092 for rulemaking to improve security of portable gauges. I have been concerned about the number of missing/stolen sources for several years. Several States took the initiative to increase security of these devices and I applaud their efforts. But it is time that NRC took action in this area. I also appreciate the assistance of the Agreement States in developing the actions proposed in this paper. The staff has proposed an alternative which is risk informed and flexible enough to be applied under multiple circumstances. The public rulemaking process will serve to improve the staff's proposal.



6/10/03