

August 27, 2003

Larry Barrett, DVM, MS, DACVPM, Chief
Division of Food, Drug, and Radiation Safety
California Department of Health Services
601 North 7th Street, MS 419
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Sacramento, California 94234-7320

Dear Dr. Barrett:

I am writing on behalf of the Commission in response to your letter dated July 16, 2003. We share your views about the importance of securing radioactive materials.

Currently, the Commission is engaged with other Federal agencies, the International Atomic Energy Agency (IAEA), the Organization of Agreement States (OAS), and the Conference of Radiation Control Program Directors, Inc., in many activities associated with securing radioactive sources. For example, we are enhancing the security of portable gauges in a proposed rulemaking (68 FR 45172, August 1, 2003), which was developed by a team from NRC and OAS, with assistance from other Federal agencies.

With regard to your concern about the transfer and tracking of devices, the Commission's existing regulations in 10 CFR 30.41(b) require a licensee, including device manufacturers or distributors, to verify that the recipient has a valid license before transferring byproduct material. The transferring licensee must verify that the recipient's license authorizes the possession of the type, form, and quantity of byproduct material to be transferred.

To enhance this regulatory control, an NRC/OAS working group is being chartered to develop a national database and a tracking system for sources and devices. Your request for manufacturers and distributors to report the transfer of devices to State Radiation Control Programs will be forwarded to this working group for consideration. Implementing such a reporting requirement may require rulemaking by the NRC, and we expect, by most States. In light of the State's interest in this matter, we ask for your support in helping staff this working group in coordination with the OAS.

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We look forward to receiving the results of the NRC/OAS working group, which should address our mutual concerns.

Sincerely,

/RA/

Nils J. Diaz

cc: Pearce O'Kelley, Chair
Organization of Agreement States

Kevin Reilly, D.V.M., M.P.V.M.
Deputy Director
Prevention Services
California Department of Health Services