

Torres, RobertoJ

From: Torres, RobertoJ
Sent: Wednesday, May 26, 2010 7:54 AM
To: 'Boyd.Wesley@epamail.epa.gov'
Subject: Portable gauge two independent physical controls
Attachments: App H NUREG 1556 Vol 1-errata.pdf

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Wes:

When EPA submitted a license application to add a portable gauge to the license the EPA made the following commitment: "We will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Volume 1, revision 1, dated November 2001, and provide copies of these procedures to all gauge users and at each job site." I want to let you know that Appendix H was revised and an errata sheet to Appendix H was issued (Operating, emergency **and security** procedures – see attachment). In addition the new security requirement for portable gauges (guidance provided on errata sheet to Appendix H) were incorporated in the regulations in 10 CFR 30.34(i) – Security requirements for portable gauges (see link).

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part030/part030-0034.html>

Gauges that are in storage and not under constant surveillance, and gauges that are being transported and not under constant surveillance (example: gauge being transported in a pickup truck and the driver steps out of the truck and goes to a place to have lunch, or motel overnight stay) need to comply with two independent physical controls.

The reason that I am making you aware of this is because:

1. even though EPA did not commit to follow Operating, emergency **and security** procedures in the NUREG when EPA submitted the license amendment request to add a gauge, EPA still needs to comply with the two independent physical controls because it is a regulatory requirement (10 CFR 30.34(i)), and
2. a violation to 10 CFR 30.34(i) [two independent physical controls] is a Severity Level III violation (escalated enforcement) which could lead to civil penalties.

You can call me if you have any questions about 10 CFR 30.34(i).

Roberto J. Torres
Senior Health Physicist
U.S. Nuclear Regulatory Commission - Region IV
Division of Nuclear Materials Safety
Nuclear Materials Safety Branch B
612 East Lamar Boulevard, Suite 400
Arlington, Texas 76011-4125
Telephone 817-860-8189
Facsimile 817-860-8263
robertoj.torres@nrc.gov