

July 14, 2003

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.

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.

Commissioner Comments on SECY-03-0092

Chairman Diaz

Approve, with Commissioner McGaffigan's edits.

Commissioner McGaffigan

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..."

Commissioner Merrifield

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.