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**Bureau of Radiation Control
RADIOACTIVE MATERIALS SECTION
Information Notice 2006-04**

Portable Gauge Additional Security Requirements Effective 01/01/2007

On July 11, 2005, the U.S. Nuclear Regulatory Commission (NRC) made changes that necessitated additional security requirements for licensees who possess a portable gauge that contains radioactive sealed sources. While Florida was one of the few states that already had regulations that required additional security for portable gauges, the changes NRC requires us to adopt will require licensees to change how they secure their portable gauges while in storage and at temporary job sites. While these changes must be implemented by January 1, 2007, licensees may choose to implement the changes earlier.

Below is the text of the rule change. The changes are denoted by the R6 and highlighted text.

	64E-5.1311	Storage, Security and Transportation Precautions
	(1)	Each sealed source of radioactive material shall be provided with a storage or transport container. The container shall be equipped with a lock or tamper seal to prevent unauthorized removal of or exposure to the source of radiation.
R6 R6 R6	(2)	All portable gauge licensees must comply with either paragraph (2)(a) or (2)(b) below. Effective January 1, 2007, portable gauge licensees must comply only with paragraph (2)(b).
R6	(a)	Sealed sources must have a minimum of two locks between the device and the public when being transported or stored.
R6 R6 R6 R6	(b)	Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Please note the focus has shifted to prevent unauthorized removal of the gauge instead of the two locks between the device and the public. While this seems minor, it is a substantial change because the transportation case that contains the gauge is portable.

This rule is not intended to be prescriptive on how the licensee complies. The licensee may choose from a wide range of physical controls to meet its specific needs as long as the controls form tangible barriers to secure the portable gauge. Physical controls may include, but are not limited to, metal chain with a lock, steel cable with a lock, a secured enclosure, a locked tool box, a locked camper, a locked trailer, locked trunk of a car, a locked vehicle, a locked shelter, a secured fenced-in area, a locked garage, a locked cabinet, a locked room, or a secured building.

In the past having a lock on the transportation case and chaining or locking the transportation case in/to the vehicle was acceptable. This does not comply with the new requirements because it only provides one independent physical control (securing the transportation case). One would have to defeat only one measure to remove the transportation case containing the gauge. In this example, an additional chain or lock to secure the access to or removal of the transportation case is required to provide the additional physical control.

Another example is where the transportation case is locked and stored in a locked storage room. If a person is not constantly watching the locked room, only one physical control is in place (locked room) to prevent someone from taking the gauge in the transportation case. One way to remedy this is to provide an additional lock box that the transportation case is stored in or a chain with a lock to prevent unauthorized removal. In this example, the locked storage room and the additional lock securing the transportation case to the facility provides the two independent measures.

Please note that two independent physical controls are required when the gauge/transportation case is NOT under control and constant surveillance of the licensee. For example, the gauge is NOT under the control and constant surveillance of the licensee when the authorized users are at lunch, stopping at rest sites or motels.

Conversely, when you are at a temporary job site going between sample locations and the gauge is under your control and constant surveillance, then two independent physical controls are not required. (Although we recommend securing the gauge to prevent damage or it bouncing out of the vehicle on rough job sites locations.)

Also, please be aware that Part XV was also changed and the licensee must now comply with current federal transportation regulations when they go into effect. This change removes the potential that Florida regulations could conflict with current federal regulations (49 CFR). Below is the text of this rule change. The effective date of this change is September 28, 2006.

64E-5.1502 Transportation of Radioactive Material.

(2) Each licensee who transports radioactive material outside of the confines of his facility or other place of use, or who offers radioactive material to a carrier for transport shall:

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- (a) Comply with the **current** applicable requirements, appropriate to the mode of transport, of **49 CFR Parts 171-173, 177, 383, and 390-397.**
- (b) Establish procedures for safely opening and closing packages in which radioactive material is transported and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport; and
- (c) Assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

Visit our website at www.doh.state.fl.us/environment/radiation/ to download pages to replace in your "brown cover" version of the "Control of Radiation Hazard Regulations", 64E-5, FAC.

No specific actions or written response is required. If you have any questions or need additional information, please contact us.