

July 1, 2008

The Honorable Christine O. Gregoire
Governor of Washington
Olympia, Washington 98504

Dear Governor Gregoire:

I am responding to your letter dated January 25, 2007, which was treated as a petition for rulemaking (PRM), requesting that the U.S. Nuclear Regulatory Commission (NRC) consider adopting global positioning satellite technology (GPS) tracking as a national requirement for tracking vehicles transporting highly radioactive mobile or portable radioactive devices, or to grant states the flexibility to impose more stringent requirements than those under NRC's increased controls. The petition was assigned Docket No. PRM-71-13.

The notice of receipt of your petition was published in the *Federal Register* on April 27, 2007 (72 FR 20962). The notice of receipt invited members of the public to submit comments by July 11, 2007. The NRC received a total of 15 comments from licensees, radiography source and device manufacturers, industry involved with radiography, a GPS manufacturer, a professional organization, a State agency, and a Federal agency. Of these 15 comments, we received two comments from the State of Washington, Department of Health, clarifying that the intent of the petition is to track vehicles rather than individual devices or sources. The comments and the clarification of the intent of the petition were considered and are documented in the enclosed *Federal Register* Notice.

We have completed our evaluation of the petition and its supporting rationale. For the reasons provided in the *Federal Register* notice, we have determined that the issues and concerns raised in the petition merit further consideration and, therefore, will be included in NRC's ongoing rulemaking effort on the security requirements for the transportation of Radioactive Material in Quantities of Concern. Further information on this rulemaking may be tracked through <http://www.regulations.gov> under Docket ID NRC-2008-0120. As in all rulemakings, the Commission will solicit and consider public comments during the proposed rule phase of the rulemaking before determining the approach that will be the basis for the final rule. The petition and the comments received on the petition will be evaluated as part of the rulemaking. Therefore, NRC considers this petition to be closed.

The enclosed *Federal Register* notice regarding the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

Enclosure: *Federal Register* Notice

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