

April 2, 2007

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

Dear Governor Gregoire:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of January 25, 2007, in which you encouraged the NRC to consider adopting the use of global positioning satellite (GPS) tracking as a national requirement for mobile or portable uses of highly radioactive sources. Alternatively, you proposed the Commission could grant States the flexibility to impose more stringent requirements than required under NRC's increased controls.

In developing the increased controls, the NRC assigned a compatibility category that requires States to develop essentially identical requirements to those established by NRC because of the significant, direct transboundary implications for licensees operating between States. As you acknowledge in your letter, this precludes States from imposing different increased controls requirements on licensees. The increased controls require that each licensee shall have a documented program to monitor and immediately detect, assess, and respond to unauthorized access to radioactive material. They are performance-based measures and are not prescriptive, but are intended to allow licensees to determine the best solutions for achieving compliance in their particular circumstances. As such, GPS tracking may be a useful tool that licensees could consider incorporating into their security programs.

Based on discussions with staff from your State Department of Health, the NRC will process your request for a GPS tracking requirement as a petition for rulemaking (Title 10, Code of Federal Regulations, Section 2.802), and will consider your request for flexibility to impose more stringent requirements in parallel with the petition. In addition, NRC intends to formalize its increased controls into regulations through rulemaking. The current schedule is to develop a proposed rule by January 2009.

Thank you for your interest in these matters. If you have any questions about the petition process, please have your staff contact Michael Lesar, Chief, Rulemaking, Directives and Editing Branch, the Office of Administration, 301-415-7163, e-mail: mtl@nrc.gov. If you or your staff would like to discuss the technical aspects of this matter, please contact Janet Schlueter, Director of the Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, 301-415-3340, email: jrs1@nrc.gov.

-2-

The Commission appreciates your State's efforts to address the safety and security of radioactive material.

Sincerely,

/RA/

Dale E. Klein