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Governor



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USNRC

The Honorable Dale E. Klein, Chairman
United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, D.C. 20555

March 16, 2007 (10:22am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Chairman Klein:

I am writing to request your support on the important issue of security for radioactive materials.

In August 2006, a truck containing an industrial radiography source was stolen in Everett, Washington. The truck and its highly radioactive contents were recovered quickly, but it took significant efforts by federal, state, and local law enforcement agencies. That event and a similar occurrence in Garland, Texas, illustrate that better systems are needed to recover stolen vehicles that transport highly radioactive materials.

In Washington, our state Department of Health is aggressively implementing the Nuclear Regulatory Commission's (NRC's) increased control requirements on radiological materials. Despite our effort to prevent radioactive sources from being lost or stolen, it still happens. When these situations occur, we must have a mechanism to help quickly and efficiently recover these materials.

I believe global positioning satellite (GPS) technology is an effective and relatively inexpensive tool that will help when a vehicle with radioactive material is missing. In our state, a smaller radioactive source in a portable gauge was quickly recovered because the licensee had provided a cellular phone with a GPS tracking feature to its operator. When the operator did not return with the portable gauge, the licensee was able to locate the cell phone, the operator, the truck, and the portable gauge. If a device as small as a cell phone can be GPS-enabled, certainly a truck or even a radiography device can be similarly equipped.

We persuaded the licensee from the Everett incident to install GPS units in its vehicles. This licensee is from Texas, operating here under our recognition of its Texas license. My staff tells me that we cannot require our industrial radiography licensees or any other out-of-state licensee working here to do the same because of the NRC rules on compatibility and the potential effect on interstate commerce. Therefore, I encourage the NRC to consider adopting the use of GPS tracking as a national requirement for mobile or portable uses of highly radioactive sources. Another alternative is for the Commission to grant states the flexibility to impose more stringent requirements than required under NRC's increased controls. Allowing states to do so would clear the way for individual states to set GPS requirements as needed.



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I understand your staff is concerned that requiring GPS on these vehicles does not ensure that the radiological source or device will be found. I agree — GPS is not a perfect solution, however, the NRC's current rule has no provision to assist in recovery. These suggestions give law enforcement a significant advantage.

I want Washington State to be prepared to recover any missing radioactive material promptly. I hope that the NRC can take the lead on this issue. Thank you for your consideration of this request.

Sincerely,



Christine O. Gregoire
Governor

cc: Edward McGaffigan, Jr., Commissioner, Nuclear Regulatory Commission
Jeffrey S. Merrifield, Commissioner, Nuclear Regulatory Commission
Gregory B. Jaczko, Commissioner, Nuclear Regulatory Commission
Peter B. Lyons, Commissioner, Nuclear Regulatory Commission
Michael Chertoff, Secretary, Department of Homeland Security
Rick Perry, Governor of Texas
Mary C. Selecky, Secretary, Washington State Department of Health

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