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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

To: [SECY@nrc.gov](mailto:SECY@nrc.gov)

**Comments Regarding the Petition for NRC Rulemaking  
Dated Jan. 25, 2007 Submitted by the Governor of the State of Washington**

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Thank you for the opportunity to comment on this proposed rulemaking. PSI is a nation-wide industrial radiography service provider licensed by NRC and several Agreement State Agencies. Regarding the proposed rulemaking, I offer the following comments:

The burdensome administrative requirements of the current regulations and Increased Controls imposed on radiography licensees focuses only on *prevention* of theft of such sources, and effects to greatly increase each licensee's liability in the event of a theft (even if a theft occurs beyond the control of a licensee, such as during shipment via a common carrier or a "carjacking"). The regulations and Increased Controls do not in any way address *recovery* of a source following a theft.

While there appears to be no limit to the additional liabilities and responsibilities placed upon individual radiographic testing licensees, there are some functions that can be more effectively addressed by other means (in lieu of merely issuing citations and monetary fines to licensees). There are already multiple regulatory requirements regarding a licensee's responsibilities to prevent the theft of radiographic sources, so more of the same only provides an opportunity for regulatory agencies to cite multiple violations with little or no improvement on public health and safety.

Consider the following scenario: A radiography licensee is compliant with all applicable rules pertaining to source security as well as all of the Increased Controls requirements. In the event that the licensee's transport vehicle (with a source on board) is "carjacked", then all of the regulations with which that licensee has complied are useless. At that moment, the priority needs to be the immediate recovery of the stolen device/source and (hopefully) apprehension of the thieves. If an electronic tracking system could be "activated" immediately, local law enforcement agency (LLEA) could recover the device/source, apprehend the perpetrators, and return the licensee's stolen property (vehicle, equipment, etc).

If an effective electronic tracking system (e.g., GPS) can be affixed/installed to radioactive material devices/sources of concern such that the location of the device can be determined by LLEA in order for them to respond, then the device manufacturers should be expected to install such technology, preferably integrated into the device design in lieu of an "add-on" which could be removed. The additional costs will obviously be passed on to licensees, but that expense would clearly be offset by the greater effectiveness of LLEA to recover a stolen device/source.

PSI supports the concept of electronic tracking of sources in quantities of concern, including radiographic exposure devices, only under the following conditions:

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SECY-02

1. The requirement(s) and interpretation to electronically track all devices/sources be consistent among all NRC Regions and All Agreement States, rather than have different requirements for different regulatory jurisdictions.
2. The (few) RT equipment manufacturer's must be responsible to install or "retrofit" the electronic tracking equipment, not the licensees. Also, the tracking equipment should be internal to the device or be impossible to removable, destroy or defeat.
3. The electronic "network" (tracking system) must not be maintained by individual licensees, rather the NRC, Department of Homeland Security, the appropriate law enforcement agency or a 'third party' monitoring service must be employed.
4. The regulatory agency must provide specific guidance to licensees regarding compliance with the electronic tracking requirement(s), rather than leave it up to multiple interpretations among different licensees and regulatory agencies.
5. The electronic tracking requirements and enforcement must be consistently applied to *all* radiography licensees (whether licensed by an Agreement State Agency or the NRC).

PSI vehemently opposes the promulgation of any additional rule(s) or regulation(s) that is not consistently administered to all licensees across all regulatory jurisdictions, or that places the onus of interpretation, implementation and maintenance back on individual licensees.

**From:** "Thornton, John" <john.thornton@psiusa.com>  
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**Date:** Wed, Jul 11, 2007 4:19 PM  
**Subject:** Comments Regarding NRC Rulemaking

Gentlemen:

Please see attached comments regarding the petition for NRC rulemaking dated 01/25/2007, submitted by the Governor of Washington State.

If I can answer any questions or if I may be of any assistance, please contact me at PSI's corporate office in Oakbrook Terrace, Illinois office at 630/691-1490.

Thank you,

- John

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