

July 18, 2008

ALL AGREEMENT STATES, MICHIGAN, NEW JERSEY, VIRGINIA

**RESOLUTION AND CLOSURE OF THE PETITION FOR RULEMAKING SUBMITTED BY CHRISTINE O. GREGOIRE, GOVERNOR, STATE OF WASHINGTON (FSME-08-053)**

**Purpose:** To provide the Agreement States with the July 16, 2008 *Federal Register Notice* on the results of the U. S. Nuclear Regulatory Commission's (NRC) evaluation of the Petition for Rulemaking from Christine O. Gregoire, Governor, State of Washington (PRM 71-13).

**Contents:** July 16, 2008 *Federal Register Notice*, 73 FR 40767

**Background:** The petitioner's letter dated January 25, 2007, requested the NRC to consider global positioning satellite technology (GPS) 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 notice of receipt of the petition was published in the *Federal Register* on April 27, 2007 (72 FR 20962) and requested members of the public to submit their comments by July 11, 2007. The NRC received a total of 15 comments. The commenters included licensees, radiography source and device manufacturers, industry involved with radiography, a GPS manufacturer, a professional organization, a State agency, and a Federal agency. The State of Washington, Department of Health, sent two letters clarifying the intent of the petition to track vehicles rather than individual devices or sources.

**Discussion:** The NRC evaluated the petition and its supporting rationale and the comments and the letters clarifying the intent of the petition. For the reasons provided in the enclosed *Federal Register* notice, the NRC determined that the issues and concerns raised in the petition merit further consideration 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 NRC will solicit and consider public comments during the proposed rule phase of the rulemaking process 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 closed this petition on July 16, 2008.

**NRC Point of Contact:** If you have any questions regarding this communication, please contact me at 301-415-7278 or the individual named below.

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Enclosure:  
July 16, 2008 *Federal Register Notice*, 73 FR 40767

FSME-08-053

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