

SAFEGUARDS INFORMATION

October 24, 2003

The Honorable George Pataki
Governor of New York
State Capital
Albany, New York 12224

Dear Governor Pataki:

I am writing to you to update you on actions taken by the U.S. Nuclear Regulatory Commission (NRC) relating to enhanced physical protection measures for the transportation of spent nuclear fuel (SNF). In a letter from Chairman Meserve to you, dated October 3, 2002, we informed you that the NRC had issued Orders and additional security measures to NRC licensees transporting greater than 100 grams of SNF. For your information, we provided you with a copy of the Order, the additional security measures, and a Homeland Security Advisory System guidance document. We also indicated that no licensees in your State were issued this Order.

However, the NRC staff has recently been informed by a licensee in your State that it intends to ship SNF in the future. Accordingly, the Commission is issuing an Order to the licensee imposing additional security measures for the transport of SNF greater than 100 grams. These additional security measures are similar to those issued to other NRC licensees in October 2002; however, the implementation period has been modified to require completion of implementation before the licensee's shipment.

For your information, I am enclosing a copy of the Order [Enclosure 1]; Attachment 1 to the Order containing a list of affected licensees [Enclosure 2]; Attachment 2 to the Order containing the additional security measures [Enclosure 3]; and NRC Regulatory Issue Summary (RIS) 2002-121, Revision 1, "Transportation of Spent Nuclear Fuel Greater than 100 Grams — NRC Threat Advisory and Protective Measures System" [Enclosure 4]. I would note that Enclosures 2, 3, and 4 contain SAFEGUARDS INFORMATION and must be protected against unauthorized disclosure.

If you or your staff have any questions regarding this matter, you may contact me, or Paul H. Lohaus, Director of the NRC's Office of State and Tribal Programs, at 301-415-3340.

WARNING Violation of Section 147 of the Atomic Energy Act "Safeguards Information" is subject to Civil and Criminal Penalties

When separated from Enclosures 2, 3 and 4
this document is DECONTROLLED.

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Hon. G. Pataki

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The Commission appreciates your cooperation and assistance in carrying out this very important matter.

Sincerely,

/RA/

Nils J. Diaz

Enclosures:

1. Order
2. Order Attachment 1 - Licensee List (U)
3. Order Attachment 2 - Additional Security Measures
for the Transportation of Spent Nuclear Fuel Greater
than 100 Grams (U)
4. Regulatory Issue Summary 2002-12I, Rev. 1 (U)

cc w/encl:
Peter Smith
Mark D. Cohen
Andrew Feeney

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