October 27, 2004

Mr. Keith Dinger
Congressional and Federal Agency Liaison
Health Physics Society
23 Prospect Street
Somersworth, New Hampshire 03878-2708

SUBJECT: REQUEST FOR INDUSTRY REPRESENTATIVE COMMENTS ON DRAFT ENHANCED SECURITY MEASURES FOR TRANSPORT OF RADIOACTIVE MATERIAL OF CONCERN

Dear Mr. Dinger,

Because the Health Physics Society is a scientific and educational institution active in monitoring the oversight by federal and state officials to protect the interests of its members, the U.S. Nuclear Regulatory Commission (NRC) seeks your assistance in providing industry representative stakeholder comments from the regulated community.

The NRC staff has developed draft additional security measures (ASMs) to enhance the security during transport of certain radioactive materials for licensees that transport, ship or receive quantities equal to or greater than the limits identified in Enclosure 1. The NRC would like the regulated community's comments on the draft ASMs. Workshops to discuss the draft ASMs are scheduled for the locations and dates provided below. Additional information about these workshops will be sent by separate correspondence.

NRC Region III Chicago, Illinois	December 3, 2004
NRC Headquarters Washington, DC	December 6, 2004
Edward R. Roybal Auditorium & Conference Center Oakland Federal Building Oakland, California	December 9, 2004

The NRC welcomes your organization’s participation in the development of final ASMs. If your organization plans to participate in these upcoming workshops, we would like to send you the draft ASMs in advance of the meetings so you can prepare. The draft ASMs are designated as Safeguards Information under Section 147 of the Atomic Energy Act of 1954, as amended (Enclosure 2) and any individual who receives Safeguards Information must protect it from disclosure to unauthorized individuals. Prior to sending your organization the draft ASMs, the NRC must authorize individuals at your organization to receive Safeguards Information.

Enclosed is a document entitled “Modified Handling Requirements for the Protection of Certain

Safeguards Information" (Enclosure 3), which describes what you must do to protect Safeguards Information. Also enclosed is a draft guidance document, Examples of Designation of Safeguards Information - Modified Handling (Enclosure 4), to assist you in determining what is and what is not considered Safeguards Information. Frequently Asked Questions About Safeguards Information - Modified Handling (Enclosure 5), developed from previous workshops with Agreement State regulators and irradiator licensees, should also help you better understand your responsibility for protecting Safeguards Information.

If your organization intends to participate in the workshops, please respond to this letter no later than 5 days from the date of this letter with the names of no more than two individuals who will be granted NRC authorization to view, discuss, and receive Safeguards Information. These individuals must have a "need to know" the information and be trustworthy and reliable. If you have provided this information through another method, please provide the information again so we can verify that our information is up to date. Similar letters have been sent to Richard Burk, Raymond Guilmette, and Glenn Sturchio from your organization, please coordinate your response with them, as appropriate.

Please provide the following information:

1. full name and title of each individual to be granted initial access authorization for Safeguards Information

2. designate which individual is the lead contact to receive Safeguard Information and provide their telephone number and e-mail address

3. a statement that each individual listed has an established need to know security related information, based upon the nature of the individual's position and duties

4. a statement that each individual has been determined to be reliable and trustworthy (i.e. an employment record could be used for this basis)

5. an affirmation that you have the appropriate capability, as described in Enclosure 3, to protect Safeguards Information

Please respond with the requested information on or before 5 days from the date of this letter to:

Director, Division of Nuclear Security
Office of Nuclear Security
and Incident Response
Mail Stop T-4D8
Attention: Rocky Foster
Washington, D.C. 20555

You may also transmit your response by fax to 301-415-6661, ATTN: Rocky Foster, or by e-mail to transport_security@nrc.gov.

Once we receive your complete response, we will send you a letter that grants your designated individuals initial authorization to access Safeguards Information and forwards the draft ASMs your review. At the same time we will issue an Order that will require you to protect Safeguards

Information in accordance with Enclosure 3. In the meantime, closed workshops (i.e., not open to the general public) are scheduled to discuss your comments and answer your questions. Only individuals that have been authorized access to Safeguards Information will be authorized to attend the workshops.

If you have any questions about this letter please contact Rocky Foster, Office of Nuclear Security and Incident Response, at 301-415-7670 or by e-mail to transport_security@nrc.gov.

Sincerely,

/RA/

Michael C. Layton, Chief
Materials, Transportation
and Waste Security Section
Office of Nuclear Security
and Incident Response

Enclosure:
1. Radionuclides of Concern
2. Safeguards Information,
   § 147 of the Atomic Energy Act of 1954, as amended
3. Modified Handling Requirements
   for the Protection of Certain Safeguards Information
4. Draft Guidance, Examples of
   Designation of SGI-M
5. Frequently Asked Questions About
   Safeguards Information - Modified Handling

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Sincerely,

/RA/

Michael C. Layton, Chief
Materials, Transportation
and Waste Security Section
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Distribution:
DNS R/F M Layton

*See previous concurrence

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