

June 9, 2008

Mr. Alexander Schroeder, Program Director
Western Governor's Association
1600 Broadway, Suite 1700
Denver, CO 80202

Dear Mr. Schroeder:

I am responding to your letter dated March 11, 2008, seeking clarification from the U.S. Nuclear Regulatory Commission (NRC) regarding certain safeguards information restrictions. Recognizing that the U.S. Department of Energy (DOE) is not an NRC licensee, you requested guidance from the NRC about what type of information could be included in an annual shipment data report without violating safeguards information requirements.

It is the staff's determination that an annual table summarizing projected spent fuel shipments, containing data such as material, origin, pass thru states, destination, etc., would not be considered Safeguards Information (SGI). However, dissemination of the information would be protected as "Official Use Only – Security Related Information" by the NRC and would be released on a need-to-know basis. Information would be considered SGI if it were related to a specific shipment or shipping campaign (i.e. date, time, or location).

Since DOE has its own internal policies and procedures for identifying sensitive information and determining what information should or should not be included in the shipment information, the NRC can only speak to what classifications of information are deemed necessary within its own policy and regulations. Therefore, DOE would make the final determination on the marking and protection of such information.

If you need any further information, please feel free to contact Mr. Robert Caldwell of my staff at (301) 415-1243.

Sincerely,

/RA/

Patricia K. Holahan, Director
Division of Security Policy
Office of Nuclear Security and Incident Response

cc: Ms. Lisa Janairo, Sr. Policy Analyst
Council of State Governments Midwest

June 9, 2008

Mr. Alexander Schroeder, Program Director
Western Governor's Association
1600 Broadway, Suite 1700
Denver, CO 80202

Dear Mr. Schroeder:

I am responding to your letter dated March 11, 2008, seeking clarification from the U.S. Nuclear Regulatory Commission (NRC) regarding certain safeguards information restrictions. Recognizing that the U.S. Department of Energy (DOE) is not an NRC licensee, you requested guidance from the NRC about what type of information could be included in an annual shipment data report without violating safeguards information requirements.

It is the staff's determination that an annual table summarizing projected spent fuel shipments, containing data such as material, origin, pass thru states, destination, etc., would not be considered Safeguards Information (SGI). However, dissemination of the information would be protected as "Official Use Only – Security Related Information" by the NRC and would be released on a need-to-know basis. Information would be considered SGI if it were related to a specific shipment or shipping campaign (i.e. date, time, or location).

Since DOE has its own internal policies and procedures for identifying sensitive information and determining what information should or should not be included in the shipment information, the NRC can only speak to what classifications of information are deemed necessary within its own policy and regulations. Therefore, DOE would make the final determination on the marking and protection of such information.

If you need any further information, please feel free to contact Mr. Robert Caldwell of my staff at (301) 415-1243.

Sincerely,
/RA/
Patricia K. Holahan, Director
Division of Security Policy
Office of Nuclear Security and Incident Response

cc: Ms. Lisa Janairo, Sr. Policy Analyst
Council of State Governments Midwest

DISTRIBUTION:
DSP r/f (NSIR-08-0305)

ADAMS ACCESSION NO.: ML081120479

OFFICE	DSP/FCTSB	DSP/FCTSB	DSP/FCTSB	DSO/DDSP	DSO/DDSP
NAME	KJamgochian	AGiantelli	RCaldwell/ <i>RA</i> <i>MShaffer for/</i>	BStapleton	LSilvious
DATE	04/21/08	05/08/08	05/14/08	05/09/08	05/09/08
NMSS/SFST	NMSS/SFST	FSME/DILR	FSME/DILR	OGC	NSIR/DSP
NMamish	EEaston	PBubar	RTurtill	JGoldberg	PHolahan
05/28/08	05/20/08	05/22/08	05/22/08	06/02/08	06/09/08

OFFICAL RECORD COPY