March 13, 2009

The Honorable Janice K. Brewer
Governor of Arizona
Phoenix, Arizona 85007

Dear Governor Brewer:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to request your appointment of a State Liaison Officer to act as the State of Arizona primary liaison to the NRC. Former Governor Janet Napolitano previously appointed Mr. Aubrey V. Godwin, Director of the Arizona Radiation Regulatory Agency, as the State Liaison Officer for Arizona. The NRC will continue to work with Mr. Godwin, unless you designate a new State Liaison Officer. In addition, I am providing you with an explanation of our process for the distribution of NRC security information to State contacts and of the requirements for protecting Safeguards Information (SGI).

In 1976, the NRC adopted a recommendation from several State organizations, including the National Governors Association, that we request each State to appoint a single person to act as a liaison to the NRC to help improve Federal/State cooperation. The NRC looks to the Governor-appointed State Liaison Officer to provide the primary communication channel between the State and the NRC. The State Liaison Officer serves as the key person in the State to keep the Governor informed about issues under the NRC's jurisdiction (specifically matters addressing nuclear regulation, nuclear security, and radiological public health and safety) and to provide the NRC with State information on particular nuclear safety, security, and environmental issues.

As a result of the September 11, 2001, terrorist attacks, the NRC has increased its communications with the Governor-appointed State Liaison Officers. The responsibilities of State Liaison Officers continue to evolve. Moreover, there is an increased need to ensure that other State officials with a "need to know" have access to SGI. SGI is a special category of sensitive unclassified information authorized by Section 147 of the Atomic Energy Act of 1954, as amended, to be protected from inadvertent release and unauthorized disclosure. Although SGI is sensitive unclassified information, it is handled and protected more like classified National Security Information.

Your appointed State Liaison Officer should continue to serve as the primary recipient for sensitive unclassified information, including SGI, from the NRC. However, because the State Homeland Security Advisors are responsible for homeland security activities in the States, these State officials will also receive copies of NRC security information in coordination with the Department of Homeland Security. This will help ensure that the State Homeland Security Advisor has knowledge of, and access to, this information and can share such information with other authorized State officials on a need-to-know basis.

State Liaison Officers, and other State officials having access to sensitive unclassified information, need to exercise the appropriate precautions to protect the information from unauthorized disclosure. Enclosure 1 contains Regulatory Issue Summary 2003-08, "Protection of Safeguards Information from Unauthorized Disclosure," dated April 30, 2003. Enclosure 2 contains additional detailed information about SGI handling and protection requirements, including: (1) sharing SGI with those who, by reason of position, have a need to know; (2) protecting SGI while it is in use or storage; (3) preparing and marking SGI; (4) externally transmitting SGI; (5) reproducing and destroying SGI; and (6) criminal and civil sanctions for mishandling SGI.

We will keep you informed of our programs and activities through Mr. Godwin or your appointed designee. At the same time, we will continue to work with other individuals in State agencies with whom we have established relationships. If you or your staff have any questions concerning this correspondence or wish to obtain additional information about the State Liaison Officer program, please contact Mr. Mark Shaffer, Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, at (301) 415-7278 or by email at Mark.Shaffer@nrc.gov.

I thank you in advance for your assistance, and the Commission looks forward to continuing an excellent working relationship with the State of Arizona.

Sincerely,

/RA/

Dale E. Klein

Enclosures:
1. Regulatory Issue Summary 2003-08, "Protection of Safeguards Information from Unauthorized Disclosure"
2. SGI Protection Requirements

cc: Mr. Aubrey V. Godwin, State Liaison Officer