

April 29, 2013

Chairman Pedro Nieves, Esq.  
Puerto Rico Environmental Quality Board  
P.O. Box 11488  
San Juan, PR 00917

Dear Chairman Nieves, Esq.:

You are listed as a State official designated by your Governor to receive advance notification of the transportation of certain shipments of radioactive material through your State. The U.S. Nuclear Regulatory Commission's (NRC) advance notification requirements were first established as required by Section 301 of Public Law 96-295 and implemented by provisions in Title 10 of the *Code of Federal Regulations* (10 CFR), Parts 71 and 73. To enhance security measures following the terrorist events of September 11, 2001, the NRC issued Orders that require licensees to provide advance notification for shipments of other types of radioactive material. These Orders were issued to both NRC and Agreement State licensees. The advance notifications made under the Orders will continue to be made under the Orders until the regulations that supersede the orders are implemented and the Orders are rescinded.

The current requirements for the advance notification to States (i.e., 10 CFR 37.77, 71.97, 73.35, and 73.37) while in transit are enclosed. The advance notification requirements at 10 CFR 37.77 and 73.35 become effective on May 20, 2013, and compliance is required from NRC licensees beginning on March 19, 2014. Agreement State licensees that were issued security Orders will continue to provide advance notifications under the Orders until the effective date of the compatible requirements issued by their State. Each Agreement State will follow its own process for issuing these requirements. As the State-issued requirements become effective, the NRC will rescind the Orders for the licensees of that State.

We are required to publish an updated list of Governors' designees in the *Federal Register* on or about June 30 of each year. To avoid having the advance notifications going to the Governor of your State, it is necessary that you contact us to verify the following Governor-designee information for your State:

Chairman Pedro Nieves, Esq.  
P.O. Box 11488  
San Juan, PR 00917  
Phone: 787-767-8056  
24 Hour Phone: 787-447-9222  
Fax: 787-767-4861

**By May 20, 2013, please:**

- **Confirm that the information above is accurate or make any corrections.**
- **Provide a photocopy of a letter, memo, or e-mail that confirms the designation by your Governor.** This is needed for us to allow licensees to provide the advance notification to the designated individual. **If we do not have documentation that confirms the designation, licensees will be unable to provide advance notification to anyone other than the Governor of your State.**

Please provide your responses to James Firth of my staff by e-mail at [James.Firth@nrc.gov](mailto:James.Firth@nrc.gov), or by facsimile at 301-415-5955. He can be reached by phone at 301-415-6628.

The current, complete list of designees, including addresses and phone numbers, may be found on the NRC's Office of Federal and State Materials and Environmental Management Programs' (FSME) website at: <http://nrc-stp.ornl.gov/special/designee.pdf>.

Also, the NRC recognizes the importance of quick and timely communication of information to the States. The NRC maintains an e-mail distribution system to provide information to Governor-appointed State Liaison Officers and State Radiation Control Program Directors; similarly, we maintain a dedicated list server for Governors' designees for advance notifications that allows us to provide non-safeguards information electronically. **We request that you also provide an e-mail address so that we may provide information to you through this list server in an expedited fashion.** We will not publish your e-mail address in the *Federal Register*.

Although we publish the list of Governors' designees in the Federal Register once every year, we update the contact information on our website throughout the year. Please provide us with any changes in Governor-designee contact information as it occurs.

This letter contains information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget, approval numbers 3150-0029 (expiration 11/30/2013) and 3150-0200 (expiration 9/3/2015). The estimated burden per response to comply with this voluntary collection is approximately 15 minutes for states updating contact information and 45 minutes for states providing a copy of a Governor's designation. Send comments regarding the burden estimate to the Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029 and -0020), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

We appreciate your cooperation in maintaining the Governors' designee information for the advance notification of certain shipments of radioactive material current.

Sincerely,



Deborah Jackson, Acting Director  
Division of Intergovernmental Liaison  
and Rulemaking  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosures:

1. 10 CFR Part 37 Notification Requirements  
(10 CFR 37.77) (78 FR 17017 – 17020)
2. 10 CFR 71.97
3. 10 CFR 73.35 (78 FR 17021)
4. 10 CFR 73.37

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- 1. 10 CFR Part 37 Notification Requirements  
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- 2. 10 CFR 71.97
- 3. 10 CFR 73.35 (78 FR 17021)
- 4. 10 CFR 73.37

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<b>NAME</b>	JFirth	BStapleton	KO'Sullivan	DJackson (A)
<b>DATE</b>	3/29/13	4/14/13	4/18/13	4/29/13

**OFFICIAL RECORD COPY**

Identical Letters Sent To:

**Director Toafa Vaiagae**

Environmental Protection Agency  
Office of the Governor  
Pago Pago, AS 96799

**Superintendent Paul Whitesell, Ph.D**

Indiana State Police  
IGCN 100 N Senate Ave. 3rd Fl.  
Indianapolis, IN 46204

**Administrator Ed Tinsley**

Disaster and Emergency Services Division  
P.O. Box 4789  
Ft. Harrison, MT 59636-4789

**Sgt. Christopher Scott**

New Hampshire Dept. of Safety-Division of  
State Police  
23 Hazen Drive  
Concord, NH 03305

**Sergeant Herbert Tucker, Jr.**

North Carolina Highway Patrol  
1142 Southeast Maynard Road  
Cary, NC 27511

**Mr. Kevin Zeller**

Washington State Patrol  
P.O. Box 42600  
Olympia, WA 98504-2600