

March 6, 2014

The Honorable Robert Bentley
State Capitol N-104
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Bentley:

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 Alabama's primary liaison to the NRC. I understand that the most recent State Liaison Officer, Mr. James McNees, has retired. I would like to take this opportunity to convey the agency's appreciation for Mr. McNees' service in this position.

Until you designate a new State Liaison Officer, the NRC will work on an interim basis with Mr. David Walters, Acting Director, Office of Radiation Control, Alabama Department of Public Health. I am providing you with two copies of the NRC brochure entitled, *State Liaison Officer Program*, which provides background information on, and describes the role of, the State Liaison Officer. I am also enclosing a copy of the NRC "2013-2014 Information Digest," NUREG-1350, Vol. 25, which provides information describing NRC's mission and its regulatory programs.

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 jurisdiction (specifically matters addressing nuclear regulation, nuclear security, nuclear emergency preparedness, and radiological public health and safety) and to provide the NRC with State information on particular nuclear safety, security, and environmental issues. We will keep you informed of our programs and activities through your appointed designee.

Since inception of the State Liaison Officer Program, State Liaison Officer responsibilities have continued to evolve. Following the September 11, 2001, terrorist attacks, the NRC increased its security-related communications with the Governor-appointed State Liaison Officers. Your appointed State Liaison Officer will serve as the recipient for sensitive unclassified information, including Safeguards Information (SGI), from the NRC. 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. Consistent with the requirements set forth in Title 10 of the *Code of Federal Regulations* (10 CFR) §73.21, and §73.22, SGI is sensitive unclassified information, which is handled and protected similarly to classified National Security Information. The unauthorized disclosure of SGI is subject to civil and criminal penalties.

There may also be a need to ensure that other authorized State officials have access to SGI. As such, your appointed State Liaison Officer is authorized to share SGI with personnel after he/she has established that they have a need to know and that they have met the access requirements specified in 10 CFR §73.22(b). Certain personnel who have a need to know have been relieved of the fingerprinting and background check requirements specified in 10 CFR §73.22(b). That list of individuals can be found in 10 CFR §73.59.

In addition to your designated State Liaison Officer, we will continue to work with other individuals in your State agencies with whom we have established relationships and with other existing programs, such as your Agreement State Program. Under that program, the State of Alabama signed a formal agreement with the NRC in 1966 to assume regulatory authority over certain byproduct and source material, as well as small quantities of special nuclear materials used at academic, commercial and medical facilities. Mr. Walters also serves as the acting Agreement State Program Director for the State of Alabama.

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. Christopher Miller, 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 Chris.Miller@nrc.gov. More information about NRC's State focused programs in general can be found on the following web page: <http://www.nrc.gov/about-nrc/state-tribal.html>.

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

Sincerely,

/RA/

Allison M. Macfarlane

Enclosures:

1. NRC Brochure, *State Liaison Officer Program*
2. U.S. Nuclear Regulatory Commission
2013-2014 Information Digest,
NUREG-1350, Volume 25

cc: w/o enclosures

D. Walters, Alabama Department of Health