



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 25, 2014

Ms. Debra Shults, Director
Tennessee Department of Environment and Conservation
William R. Snodgrass TN Tower
312 Rosa Parks Avenue, 14th Floor
Nashville, TN 37243

SUBJECT: GOVERNOR'S DESIGNATION TO RECEIVE ADVANCE NOTIFICATIONS AND RESPONSIBILITY TO PROTECT SAFEGUARDS INFORMATION

Dear Ms. Shults:

We have received your designation as the Governor's representative to receive advance notification of the transportation of certain shipments of radioactive material through your State. The new designation adds notifications made pursuant to the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37. Your designation also includes the preplanning and coordination for shipments of category 1 quantities of radioactive material. You should see your information reflected in our updated list of transportation designees at: <http://nrc-stp.ornl.gov/special/designee.pdf>. We also publish an annual update to the list of contacts in the *Federal Register*. Please let us know if you become aware of any errors in your information or if your information changes. If your e-mail address has changed, we are also requesting that you provide us with an e-mail address. You can provide this information by mail, e-mail at Government.Liaison.Resource@nrc.gov, or by facsimile at 301-415-5955.

As the Governor's designated representative, you may receive safeguards information and have a responsibility to protect this information. I am providing you with some information on the advance notification program and the requirements for protecting safeguards information.

Background on the Advance Notification Program

The U.S. Nuclear Regulatory Commission's (NRC) advance notification requirements for certain shipments of radioactive material were first established as required by Section 301 of Public Law 96-295 and implemented by provisions in 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. Subsequently, the NRC established regulations at 10 CFR Part 37 that require licensees provide advance notice of shipments of category 1 quantities of radioactive material. Category 1 quantities of radioactive material are defined in Appendix A to Part 37, which is included in Enclosure 1. The advance notifications made under the orders — which are not

required to be made to the governor's designated representative — will continue to be made under the orders until the regulations that supersede the orders are implemented and the orders are rescinded.

The NRC requirements for the advance notification of certain shipments of radioactive material to States (i.e., 10 CFR 37.73, 37.75, 37.77, 71.97, 73.35, and 73.37) while in transit are provided in Enclosure 1. Licensees are also required to preplan and coordinate aspects of certain shipments (i.e., those with category 1 quantities of radioactive material or large quantities of irradiated reactor fuel). The Part 37 requirements apply to NRC licensees. For shipments of category 1 quantities of radioactive material, 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.

Handling of Sensitive Information

As the Governor's representative receiving the advance notifications, you may receive sensitive or safeguards information and will be responsible for protecting this information. By being both the Governor's designated representative and a State employee, you are exempted from the criminal history and background checks normally required before having access to safeguards information.

You are responsible for: 1) ensuring that recipients of safeguards information are trustworthy and reliable and have a "need to know" and 2) implementing the appropriate measures for storing and protecting the information from unauthorized disclosure in accordance with 10 CFR 73.21, 73.22, and 73.23, which are provided in Enclosure 2. I am enclosing NRC Regulatory Guide 5.79, "Protection of Safeguards Information" (Enclosure 3, Accession No. ML103270219, also available electronically at:

<http://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML103270219>, which describes a method that the NRC considers acceptable for use in implementing the specific requirements for the protection of safeguards information. The Regulatory Guide provides guidance on establishing an information protection system that addresses:

- (1) information to be protected;
- (2) conditions for access and maintenance of the records associated with the access granting process;
- (3) protection while in use or storage;
- (4) preparation and marking of documents or other matter;
- (5) reproduction of matter containing safeguards information;
- (6) external transmission of documents and material;
- (7) processing of safeguards information on electronic systems;
- (8) removal from the safeguards information category; and
- (9) destruction of matter containing safeguards information.

Additional Contact Information

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 Governor's designated representatives to receive the advance notifications. This allows us to provide non-safeguards information electronically. We already have a previously-provided e-mail address for you. If a different e-mail address is more appropriate, or if your e-mail address changes, we request that you provide us with 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*.

We appreciate your cooperation in maintaining the Governors' designee information for the advance notification of certain shipments of radioactive material current. You can also reach us by phone at 301-415-2326.

Sincerely,



Christopher G. Miller, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Advance Notification Requirements (10 CFR 37.73, 37.75, and 37.77; 10 CFR Part 37, Appendix A; 10 CFR 71.97; and 10 CFR 73.35 and 73.37)
2. Information Protection Requirements for Safeguards Information (10 CFR 73.21, 73.22, and 73.23)
3. Regulatory Guide 5.79, "Protection of Safeguards Information"

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