GROUP I

FOIA/PA NO: 2014-0392

RECORDS BEING RELEASED IN THEIR ENTIRETY

June 6, 2002

The Honorable Don Siegelman
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Siegelman:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to inform you of actions which the NRC intends to take to enhance physical protection measures for the transportation of large quantities of radioactive material and spent nuclear fuel. I am requesting your cooperation and assistance in carrying out these actions.

The Commission has directed the NRC staff to develop immediately effective Orders that impose additional physical protection measures on shipments of large quantities of radioactive material and spent nuclear fuel for transportation by highway and rail modes. The Commission has concluded that these enhancements are necessary for the current threat environment. The content of the Orders will be modeled on the transportation advisories that NRC issued on November 8 and revised on December 13, 2001, and which were provided to you through your State Liaison Officer. The NRC is taking this action pursuant to its authority under the Atomic Energy Act of 1954 as amended to protect the common defense and security, an authority which has not been relinquished to the States. Therefore, the NRC will be issuing Orders on the transportation of radioactive material to NRC licensees, and to persons in Agreement States who possess, receive, or ship large quantities of radioactive material. Orders will be issued to licensees who have shipped large quantities of radioactive material within the last two years or who intend to ship in the near term. The Commission intends subsequently to codify by rule the requirements of the Order.

We request that you assist the NRC in identifying those licensees in your State that should receive Orders. To facilitate this activity, the NRC staff has developed the enclosed criteria which identify the types of licensees and the type of information of interest. This information is critical to identifying those persons who should receive Orders. We ask that your radiation protection program provide this requested information to the NRC staff within three weeks from the date of this letter. Instructions for submitting the requested information are included in this enclosure. We will be soliciting further input from your State and other stakeholders after the NRC staff has provided the draft Orders to the Commission for its review. We also will provide you with a copy of the Orders issued to licensees within your State upon their issuance. Although this letter contains sensitive information, and should not be publicly disclosed, it does

SENSITIVE INFORMATION
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not contain Safeguards Information. Similarly, the information that you compile on the licensee's names, locations, possession limits and large shipment schedules should not be publicly disclosed.

If you or your staff have any questions regarding this request, you may contact me, or Mr. Paul H. Lohaus, Director of the NRC Office of State and Tribal Programs at 301-415-3340.

The Commission appreciates your assistance in this very important matter.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: Criteria

cc: Kirksey E. Whatley
Colonel James H. Alexander
Brigadier General Michael H. Sumrall

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Criteria

The NRC is providing the following information to assist Agreement States in identifying to the NRC those licensees which transport large quantities of radioactive material.

1. Possession Limits

   Agreement States are requested to identify those persons to whom the Agreement State has issued a license to possess byproduct or special nuclear material in quantities exceeding:

   (1) 1000 Terabequerels (Tbq) [27,000 Curies (Ci)];
   (2) 3000 times the A_1 limit for a radionuclide listed in Appendix A to 10 CFR Part 71; or
   (3) 3000 times the A_2 limit for a radionuclide listed in Appendix A to 10 CFR Part 71, whichever is least.

   Or, greater than 5 grams of plutonium (for licenses that do not distinguish between nuclides of plutonium). Specific gram limits for the nuclides of plutonium are provided on page 2.

   The NRC Office of State and Tribal Programs will separately provide your staff a table that identifies, for each radionuclide listed in Appendix A to Part 71, the Highway Route Controlled Quantity Limits.

2. Licensee Information

   For those licensees that meet the criteria in paragraph 1 above, Agreement States are requested to provide the following information in a MS-Word or WordPerfect file format:

   License Number
   Name of Licensee
   Licensee Address
   Licensee contact, including telephone number

3. Actual Shipments Information

   In addition to the licensee information requested by paragraph 2, States are requested to provide any information of which they may be aware where a licensee, in a single shipment, has shipped a large quantity of radioactive material (exceeding the criteria in paragraph 1), within the last two years or intends to make such a shipment within the near term.

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4. Mailing Instructions

In order to expedite delivery of the requested information, we request that it be sent by express delivery service to:

U.S. Nuclear Regulatory Commission
Attn: Paul H. Lohaus, Director
Office of State and Tribal Programs
Mail Stop O-3-C-10
11555 Rockville Pike
Rockville, Maryland 20852

The following gram limits are provided for 3000 times the A_1 limit or 3000 times the A_2 limit for the individual plutonium nuclides listed below:

HRCQ Mass Equivalent Limits for Plutonium [1]		
Nuclide	Special Form (A_1)	Normal Form (A_2)
Pu - 236	1.05 Kg [1]	0.11 g
Pu - 237	133 g	133 g
Pu - 238	9.5 Kg [1]	0.95 g
Pu - 239	2608 Kg [1]	260 g [1]
Pu - 240	71 Kg [1]	71 g
Pu - 241	31 Kg [1]	8 g
Pu - 242	4.0×10^4 Kg [1]	4 Kg [1]
Pu - 244	1.3×10^6 Kg [1]	895 Kg [1]

[1] Agreement State licenses are limited to a maximum possession limit of 200 grams of Pu by 10 CFR 150.11. Consequently, Agreement State licensees are not authorized to possess an HRCQ Mass Equivalent of this isotope in the form specified. Separate from any additional requirements the NRC may impose for shipments of radioactive material above the HRCQ threshold (e.g., Pu), current requirements exist in 10 CFR Part 73 for the shipment of special nuclear material (SNM). Plutonium is also SNM. Transportation security regulations for SNM apply to shipments of more than 15 grams of Pu (10 CFR 73.67 and 73.25, respectively).

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Agreement States

Identical letter to:

The Honorable Don Siegelman
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
cc: Kirksey E. Whatley
Colonel James H. Alexander
Brigadier General Michael H. Sumrall

The Honorable Jane Hull
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, Arizona 85007
cc: Aubrey V. Godwin
Steve Jewett

The Honorable Mike Huckabee
Governor of Arkansas
State Capitol
Room 250
Little Rock, Arkansas 72201
cc: Bernard Bevill
W.R. Bud Harper

The Honorable Gray Davis
Governor of California
State Capitol
Sacramento, California 95814
cc: Robert A. Laurie
Edgar D. Bailey
Captain Andrew R. Jones
George Vinson

The Honorable Bill Owens
Governor of Colorado
136 State Capitol
Denver, Colorado 80203
cc: Waren E. (Jake) Jacobi
Captain Tommy Wilcoxen
C. Suzanne Mencer

The Honorable Jeb Bush
Governor of Florida
The Capitol
Tallahassee, Florida 32399
cc: William A. Passetti
Harlan W. Keaton
Tim Moore

The Honorable Roy Barnes
Governor of Georgia
203 State Capitol
Atlanta, Georgia 30334
cc: James Setser
Thomas E. Hill
Captain Bruce Bugg
Colonel Robert Hightower

The Honorable George Ryan
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706
cc: Thomas W. Ortciger
Matthew Bettenhausen

The Honorable Thomas Vilsack
Governor of Iowa
State Capitol
Des Moines, Iowa 50319
cc: Daniel K. McGhee
Donald A. Flater
Ellen M. Gordon

The Honorable Bill Graves
Governor of Kansas
State Capitol, Second Floor
Topeka, Kansas 66612
cc: Victor L. Cooper
Gary D. Miller
Frank H. Moussa
Major General Gregory Gardner

The Honorable Paul Patton
Governor of Kentucky
State Capitol
700 Capitol Avenue
Frankfort, Kentucky 40601
cc: John A. Volpe, Ph.D.
Brigadier General D. Allen Youngman

The Honorable Mike Foster, Jr.
Governor of Louisiana
P. O. Box 94004
Baton Rouge, Louisiana 70804
cc: Michael E. Henry
Major Joseph T. Booth
Terry Ryder

The Honorable Angus King, Jr.
Governor of Maine
1 State House Station
Augusta, Maine 04333
cc: W. Clough Toppan
Paula Craighead
Colonel Michael R. Sperry
Major General Joseph Tinkham, II

The Honorable Parris Glendening
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401
cc: Ann Marie DeBiase
Roland G. Fletcher
First Sgt. Sylvia L. Wright
Alvin C. Collins

The Honorable Jane Swift
Governor of Massachusetts
State House, Room 360
Boston, Massachusetts 02133
cc: Stephen McGrail
Robert M. Hallisey
Richard S. Swensen

The Honorable Ronnie Musgrove
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205
cc: Robert W. Goff
Robert R. Latham, Jr.

The Honorable Mike Johanns
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509
cc: Lieutenant Governor David Heineman
Robert E. Leopold
Major Bryan J. Tuma

The Honorable Kenny Guinn
Governor of Nevada
State Capitol
101 North Carson Street
Carson City, Nevada 89701
cc: Robert R. Loux
Stanley R. Marshall
Frank Siracusa

The Honorable Jeanne Shaheen
Governor of New Hampshire
State House, Room 208
Concord, New Hampshire 03301
cc: Donald P. Bliss
Veronica Malmberg
Richard M. Flynn

The Honorable Gary Johnson
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87503
cc: Cecilia Williams
William Floyd
Ernesto Rodriquez
Tom English

The Honorable John Kitzhaber, M.D.
Governor of Oregon
900 Court Street, N.E., Room 254
Salem, Oregon 97301
cc: David Stewart-Smith
Terry D. Lindsey
Ronald C. Ruecker

The Honorable Lincoln Almond
Governor of Rhode Island
State House
Providence, Rhode Island 02903
cc: Peter Todd
Marie Stoeckel
William A. Maloney
Major General Reginald Centracchio

The Honorable Jim Hodges
Governor of South Carolina
P.O. Box 11829
Columbia, South Carolina 29211
cc: Henry J. Porter
T. Pearce O'Kelley
Major General R.S. "Steve" Siegfired

The Honorable Don Sundquist
Governor of Tennessee
State Capitol
Nashville, Tennessee 37243
cc: L. Edward Nanney
John D. White, Jr.
Brigadier General Wendell Gilbert

The Honorable Rick Perry
Governor of Texas
P. O. Box 12428
Austin, Texas 78711
cc: Roger Mulder
Susan M. Jablonski
Richard A. Ratliff
Colonel Thomas A. Davis
Dr. Michael McKinney

The Honorable Michael Leavitt
Governor of Utah
210 State Capitol
Salt Lake City, Utah 84114
cc: William J. Sinclair
Scott Behunin

The Honorable Gary Locke
Governor of Washington
P.O. Box 40002
Olympia, Washington 98504
cc: Bob Nichols
John L. Erickson
Lieutenant Steven L. Kalmbach
Major General Timothy J. Lowenberg