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STATE LIAISON OFFICERS
PART 37, 71, AND 73 DESIGNEES
STATE EMERGENCY MANAGEMENT DIRECTORS

FEDERAL MEMORANDUM OF UNDERSTANDING CONCERNING COOPERATION ON
RADIOACTIVE MATERIALS TRANSPORTATION SECURITY (STC-16-095)

Purpose: To inform State counterparts of the existence of a federal memorandum of understanding (MOU) for the secure transportation of radioactive materials and the voluntary opportunity for State participation in implementation of the MOU.

Background: In January 2015, an MOU concerning cooperation on radioactive materials transportation security was signed among the U.S. Nuclear Regulatory Commission (NRC), the Department of Homeland Security, and the Department of Transportation. The MOU establishes a framework for the MOU parties to coordinate their respective responsibilities and activities related to the secure transportation of radioactive materials within the U.S. or across U.S. borders. The goal of the MOU is to ensure that transportation of radioactive materials is done in a manner that protects public health and safety, and supports the common defense and security of the U.S. The MOU can be accessed at <https://adamswebsearch2.nrc.gov/webSearch2/view?AccessionNumber=ML16074A004> (Agencywide Documents Access and Management System Accession No. ML16074A004).

Discussion: The Energy Policy Act of 2005 directed the creation of an interagency task force on radiation source protection and security under the lead of the NRC. The Radiation Source Protection and Security Task Force (<http://www.nrc.gov/security/byproduct/task-force.html>) was convened and provided its first report of recommendations and actions to Congress and the President in August 2006. One recommendation was the development of a transport security MOU to serve as the foundation for cooperation in the establishment of a comprehensive and consistent transport security program for risk-significant radioactive materials. The MOU for the secure transport of radioactive material was developed to satisfy this recommendation by enhancing cooperation and coordination among federal agencies that have responsibilities related to secure transport of risk-significant radioactive materials (Category 1 and 2 materials (10 CFR Part 20, Appendix E); Categories I, II, and III special nuclear material (10 CFR 73.2); and irradiated reactor fuel). The NRC is the lead agency for implementation of the MOU.

Attachment 1 of the MOU details 12 topical areas covered by the MOU, four of which will be addressed by interagency working groups who will develop implementation plans for them: *Intelligence and Information Sharing*; *Sharing Information During an Emergency Response*; *Inspections and Enforcement*; and *Background Investigations*. Recognizing that States are stakeholders in the secure transport of radioactive material, and State entities would likely be first responders to a transportation security event, the NRC is offering interested State parties the opportunity to participate in these working groups.

Participation in any or all of the working groups is voluntary and based on State interest. Working group participation will likely entail two 1-hour conference calls per month; composition and review of documents developed by working groups; and coordination within relevant State organizations as needed. Working groups began meeting in October 2016 and will continue through August 2017.

Potential benefits of participating in implementation of the secure transport MOU are enhanced coordination and collaboration with federal agencies, optimization of radioactive material transport security event communication protocols between federal and State entities, and increased State access to federal resources regarding secure transportation of risk-significant radioactive materials.

If you have questions regarding the MOU, or would like to participate or listen in to the working group meetings, please contact the individual named below:

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Enclosure:
MOU among DHS, DOT, and NRC
Concerning Cooperation on Radioactive
Materials Transportation

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