

Suggested Language for Designating a Representative to Receive Advance Notifications for the Shipment of Radioactive Material¹

1. Designation for Receiving Advance Notifications Pursuant to Title 10 *Code of Federal Regulations* (10 CFR) Part 37^{2,3}: Category 1 Quantities of Radioactive Material

I, [Name of Governor], Governor of [State], or [Name and Title in the Office of Governor [Name of Governor]] do hereby designate [Individual], [Position or Title of Designee], as the representative of [Name of Governor] of [State] to receive notifications of shipments of radioactive material that could require advance notice pursuant to Title 10 of the *Code of Federal Regulations* Part 37 and to participate in preplanning and coordination for these shipments. I have determined that this individual has a “need to know” for this information, and recognize that this individual may receive sensitive and/or safeguards information that will need to be appropriately handled.

2. Designation for Receiving Advance Notifications Pursuant to 10 CFR Part 71^{3,4}: Certain Shipments of Radioactive Waste

I, [Name of Governor], Governor of [State], or [Name and Title in the Office of Governor [Name of Governor]] do hereby designate [Individual], [Position or Title of Designee], as the representative of [Name of Governor] of [State] to receive notifications of shipments of radioactive material that could require advance notice pursuant to Title 10 of the *Code of Federal Regulations* Part 71. I have determined that this individual has a “need to know” for this information, and recognize that this individual may receive sensitive and/or safeguards information that will need to be appropriately handled.

¹ Agreement States are required to have compatible regulations that correspond to the advance notification requirements in 10 CFR Parts 37 and 71 that apply to their licensees (see, <http://nrc-stp.ornl.gov/rulemaking.html>, for information on the Agreement States and their regulations). The advance notification requirements in 10 CFR Part 73 are reserved to the U.S. Nuclear Regulatory Commission (NRC) and there are no corresponding Agreement State regulations. The NRC only administers the designations for the NRC regulations.

² Designees receiving advance notifications made pursuant to 10 CFR Part 37 may receive sensitive or safeguards information that is to be protected.

³ Shipments containing a category 1 quantity of material that meet the criteria of 10 CFR 71.97(b), require advance notification in accordance with both 10 CFR Part 37 and Part 71.

⁴ Designees receiving advance notifications made pursuant to 10 CFR Part 71 may receive sensitive or safeguards information that is to be protected by the information protection requirements in 10 CFR Part 37 or 10 CFR Part 73.

3. Designation for Receiving Advance Notifications Pursuant to 10 CFR Part 73⁵: Irradiated Reactor Fuel

I, [Name of Governor], Governor of [State], or [Name and Title in the Office of Governor [Name of Governor]] do hereby designate [Individual], [Position or Title of Designee], as the representative of [Name of Governor] of [State] to receive notifications of shipments of radioactive material that could require advance notice pursuant to Title 10 of the *Code of Federal Regulations* Part 73 and to participate in preplanning and coordination for these shipments. I have determined that this individual has a “need to know” for this information, and recognize that this individual may receive sensitive and/or safeguards information that will need to be appropriately handled.

4. Designation for Receiving Advance Notifications: All Advance Notifications

I, [Name of Governor] Governor of [State], or [Name and Title in the Office of Governor [Name of Governor]] do hereby designate [Individual], [Position or Title of Designee], as the representative of [Name of Governor] of [State] to receive notifications of shipments of radioactive material that could require advance notice pursuant to Title 10 of the *Code of Federal Regulations* and to participate in preplanning and coordination for shipments involving category 1 quantities of radioactive material and irradiated reactor fuel. I have determined that this individual has a “need to know” for this information, and recognize that this individual may receive sensitive and/or safeguards information that will need to be appropriately handled.

Please note:

- The NRC requests that the Governor: 1) designate only one individual as the Governor’s designee to receive the advance notifications for the notifications made pursuant to a particular Part of the NRC regulations and 2) provide contact information for their designee. However, the Governor may choose to designate a back-up (or alternate) designee or designees for those instances where Governor’s designee is unavailable.
- The Governor’s designee may be identified through a position or title. The position or title should be specific enough to correspond to an individual (i.e., it should not be a generic position or title that may be held by more than one person at one time).
- The same individual may serve as the Governor’s designee for multiple types of advance notifications (i.e. Parts 37, 71 and 73).

⁵ Designated representatives receiving advance notifications made pursuant to 10 CFR Part 73 may receive sensitive or safeguards information that is to be protected.

- The advance notifications provided pursuant to Parts 37 and 73 may include sensitive or safeguards information (SGI) or SGI with modified handling requirements (SGI-M), both of which must be handled and protected appropriately..
- The Governor’s designee is relieved from the background checks and fingerprinting normally required before having access to safeguards information, if they are an employee of a State or U.S. Territory. The Governor’s designee establishes a “need to know.”⁶
- The information protection procedures employed by Federal, State, Tribal, and local law enforcement agencies are presumed to meet the general performance requirements for protecting safeguards information (SGI).

⁶ See 10 CFR 73.59 which uses “state.” “State,” as defined in 10 CFR 37.5 and 71.4, includes the the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.