

FEB 25 1983

The Putnam County Legislature  
ATTN: Rosemary L. Braatz  
Clerk  
Two County Center  
Carmel, New York 10512

Dear Ms. Braatz:

I appreciate your expression to the Nuclear Regulatory Commission (NRC) of the concerns of the Putnam County Legislature regarding the transportation of radioactive waste in and through Putnam County.

As a result of similar concerns of a number of states and local communities regarding the transportation of radioactive waste, the Congress directed, in Section 301(a) of the NRC Appropriation/Authorization Act, for Fiscal Year 1980 (Public Law 96-295, June 30, 1980) that, "The Nuclear Regulatory Commission within 90 days of enactment of this Act, shall promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. Such notification requirements shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public."

In response to this mandate, the NRC published in the Federal Register of January 6, 1982, amendments to Title 10 of the Code of Federal Regulations, Parts 71 and 73, which require advance notification to governors or their designees of certain shipments of radioactive waste. The advance notification for 10 CFR Part 71 is for large quantity shipments of radioactive waste and spent nuclear reactor fuel not covered under the amendment to 10 CFR Part 73 (generally 100 grams mass or less). The notification covered in 10 CFR Part 73 is for spent nuclear reactor fuel shipments and will contain sensitive safeguards data which must be protected. The person designated to receive the notification covered in 10 CFR Part 73 must have an information protection system for handling unclassified safeguards information as covered in the enclosed NUREG-0794, "Protection of Unclassified Safeguards Information".

For your information, I am enclosing a copy of the January 6, 1982 Federal Register notices for 10 CFR Parts 71 and 73, as well as Part 73.21 - Requirements for the Protection of Safeguards Information - dated November 6, 1981. I am also enclosing a copy of NUREG-0794, Protection of Unclassified Safeguards Information Criteria and Guidance, and NUREG-0923, Advance Notification of Shipments of Nuclear Waste and Spent Fuel Guidance.

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The Governor's designee in New York State is:

Donald A. Devito  
Director, Disaster Preparedness Program  
Division of Military and Naval Affairs  
Public Security Building, State Campus  
Albany, NY 12226  
(518)457-2222

If you have any further questions or concerns, please contact  
Faith N. Brenneman, Regional State Liaison Officer, in my office, at  
(215)337-5216.

Sincerely,

*for James M. Allan*  
Ronald C. Haynes  
Regional Administrator

Enclosures:  
As stated

cc: w/o encl  
Jay Dunkleburger, NYS Energy Office  
Donald A. Devito, NYS Disaster Preparedness  
Public Document Room (PDR)

bcc: w/o encl  
J. M. Allan  
T. T. Martin  
R. W. Starostecki  
K. Abraham  
M. Campbell  
G. Wayne Kerr, OSP  
Region I Docket Room (w/concurrences)

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