

From: [Ryan Alexander](#)
To: David.Dye@state.nm.us
Cc: susan.walker@state.nm.us; [Jeffery Lynch](#)
Subject: RE: RE: [EXTERNAL] RE: 2023 Annual Audit - NRC's Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List
Date: Tuesday, August 1, 2023 5:35:05 PM
Attachments: [External_Sender_RE_EXTERNAL_RE_New_Mexico's_Advanced_Notification_Designee.msg](#)
[image003.png](#)
Importance: High

Cabinet Secretary Dye:



Good afternoon from Texas! I'm following up with you regarding an email exchange you recently had with a member of the US NRC Staff in Washington DC regarding his annual audit/verification as to the "right person(s)" in the State of New Mexico to be listed to receive Advance Notification from licensees regarding shipments of certain types/quantities of radioactive materials planning to traverse through your State (see below).

I contacted you in the summer of 2022 for the same annual audit, in that Bianca Ortiz-Wertheim previously filled this role when she was the Cabinet Secretary for NM DHSEM, and at that time you confirmed that you were the "right person" (see attached email exchange). However, recognizing that you have recently been confirmed as the Cabinet Secretary by the State Senate and there may be other NM DHSEM staff in a better position to act on any notifications received from licensees, the NRC is very much open to changing the designee for the State of New Mexico for this purpose. As an example, I know the NRC commonly ensures that Susan Walker of your staff (CC'd) is contacted by myself or my peer in NRC Region II regarding event notifications from the Urenco Fuel Facility in Lea County. Perhaps Susan or other staff in your Preparedness or Response Divisions could fill the Advance Notification Designee function if your leadership functions would need to take precedence.

Nonetheless this is a decision for you in New Mexico to determine which person(s) will be the recipient of such information, who can appropriately control the sensitive information, and have the authority act on it as necessary relative to state rules and requirements in support of what typically is interstate commerce transport. If you look at the designees for other states (<https://scp.nrc.gov/special/designee.pdf>), they commonly come from emergency management and/or public safety (state police) departments because of these requirements.

If you or your staff would like to discuss this program further, I'm happy to have those conversations with you (and as necessary bring in the NRC Subject Matter Experts on the program) to help support your decision making.

Respectfully,

	<p><i>Regional State Liaison Officer</i> Ryan D. Alexander</p> <p>D: 817-200-1267 M: 972-922-0811 E: Ryan.Alexander@nrc.gov</p>	 <p>U.S. NRC United States Nuclear Regulatory Commission <i>Protecting People and the Environment</i></p> <p>Region IV 1600 E. Lamar Blvd. Arlington, TX 76011</p>
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From: Jeffery Lynch
Sent: Tuesday, July 25, 2023 7:41 PM
To: Dye, David, DHSEM <David.Dye@dhsem.nm.gov>
Subject: RE: RE: [EXTERNAL] RE: 2023 Annual Audit - NRC's Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List

It is only you currently on the list for New Mexico.

From: Dye, David, DHSEM <David.Dye@dhsem.nm.gov>
Sent: Tuesday, July 25, 2023 5:16 PM
To: Jeffery Lynch <Jeffery.Lynch@nrc.gov>
Subject: [External_Sender] RE: [EXTERNAL] RE: 2023 Annual Audit - NRC's Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List

Mr. Lynch,

I am the Cabinet Secretary for Homeland Security and Emergency Management for New Mexico. Can you tell me who else from NM is on the list? Thank you.

Sincerely,
David Dye

From: Jeffery Lynch <Jeffery.Lynch@nrc.gov>
Sent: Tuesday, July 25, 2023 2:44 PM
To: Cochran, Justin@Energy <Justin.Cochran@energy.ca.gov>; Schlessman - CDPS, Sean <sean.schlessman@state.co.us>; frederick.goldsmith@dc.gov; Shawn.Staley@isp.idaho.gov; schaney@dhs.in.gov; MatthewW.McKinley@ky.gov; aaron.d.hayden@maine.gov; dawn.brantley@mass.gov; John.L.Viveiros@mass.gov; james.remillard@sema.dps.mo.gov; mtdes@mt.gov; Jason.Prante@nebraska.gov; Jenny.Goodman@dep.nj.gov; Patrick.Mulligan@dep.nj.gov; Dye, David, DHSEM <David.Dye@dhsem.nm.gov>; Matt.Franklin@dhes.ny.gov; mackrs@dhec.sc.gov; john.northon@vdem.virginia.gov; dan.wyrick@wyo.gov; geoffrey.lau@doh.hawaii.gov
Cc: Anthony.Chu@cdph.ca.gov; Grice - CDPHE, James <james.grice@state.co.us>; Robert.Brinsfield@delaware.gov; Landry Austin - Idaho DEQ <Landry.Austin@deq.idaho.gov>; Eckstein, Courtney <ceckstein@dhs.in.gov>; 'jay.hyland@maine.gov' <jay.hyland@maine.gov>; Geoffrey.Donahue@maryland.gov; david.bryant@mass.gov; Aaron.Schmidt@dnr.mo.gov; Dbruno@mt.gov; Becki.Harisis@nebraska.gov; Baldauf, Paul (Paul.Baldauf@dep.nj.gov) <Paul.Baldauf@dep.nj.gov>; Alyse.Peterson@nyserda.ny.gov; Rodriguez, Santiago, ENV <Santiago.Rodriguez1@env.nm.gov>; jenkinse@dhec.sc.gov; gauthinl@dhec.sc.gov; debra.shults@tn.gov; Shawn.Talmadge@vdem.virginia.gov; Dillon.Conner@wyo.gov
Subject: [EXTERNAL] RE: 2023 Annual Audit - NRC's Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List
Importance: High

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Folks,

It's been a month since my last email enquiring about your status as your State's Part 37/71/73 Advance Notification of Radioactive Material and Nuclear Material Shipments Designee (<https://scp.nrc.gov/special/designee.pdf>).

If you are receiving this email, I still have not received confirmation that you are the appropriate Part 37/71/73 contact for your State and that your contact information is correct.

Please let me know ASAP, so I can either revise your state's information or make a note to myself that no changes are needed.

Thanks.

Jeff

Jeffery A. Lynch

Project Manager

United States Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Division of Materials Safety, Security, States, and Tribal Programs

Office: T-5A80

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Email: jeffery.lynch@nrc.gov

Phone: 301-415-5041

From: Jeffery Lynch <Jeffery.Lynch@nrc.gov>

Sent: Wednesday, June 21, 2023 10:14 AM

To: Jeff.Smitherman@ema.alabama.gov; allison.natcher <allison.natcher@alaska.gov>; Brian.Goretzki@azdhs.gov; Bernard.Bevill@arkansas.gov; Justin.Cochran@energy.ca.gov; sean.schlessman@state.co.us; Jeffrey.Semancik@ct.gov; A.J.Shall@delaware.gov; frederick.goldsmith@dc.gov; John.Williamson@flhealth.gov; srburnham@gsp.net; kbowen@gsp.net; Thomas.Lileikis@doh.hawaii.gov; Shawn.Staley@isp.idaho.gov; Kelly.Horn@illinois.gov; schaney@dhs.in.gov; zachary.ellison@iowa.gov; devan.tucking@ks.gov; MatthewW.McKinley@ky.gov; James.Waskom@la.gov; John.Porter@la.gov; aaron.d.hayden@maine.gov; Atnatiwos.Meshesha@maryland.gov; Charles.Cox@maryland.gov; dawn.brantley@mass.gov; John.L.Viveiros@mass.gov; SweeneyK@michigan.gov; aaron.kallunki@state.mn.us; msemareports@mema.ms.gov; ronald.rogeers@msdh.ms.gov; james.remillard@sema.dps.mo.gov; mtdes@mt.gov; Jason.Prante@nebraska.gov;

jfollette@health.nv.gov; robert.m.buxton@dos.nh.gov; Jenny.Goodman@dep.nj.gov;
David.Dye@state.nm.us; Matt.Franklin@dhses.ny.gov; john.pointer@ncdps.gov;
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bryan.greenwood@ema.ri.gov; mackrs@dhec.sc.gov; Rick.Miller@state.sd.us;
Tina.Titze@state.sd.us; Debra.Shults@tn.gov; matthew.heckard@tn.gov;
Ruben.Cortez@dshs.texas.gov; Lisa.Bruedigan@dshs.texas.gov; djhansen@utah.gov;
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john.northon@vdem.virginia.gov; vdemsau3@vdem.virginia.gov; tom.jordan@vdem.virginia.gov;
Jacob.Hursey@wsp.wa.gov; Fordham, Earl W (DOH) <Earl.Fordham@DOH.WA.GOV>;
tera.e.patton@wv.gov; Greg.Engle@wisconsin.gov; dan.wyrick@wyo.gov

Subject: 2023 Annual Audit - NRC's Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List

External Email

Dear Advanced Notification Designees:

I am conducting the annual audit of NRC's [Advance Notification of Radioactive Material and Nuclear Material Shipments Designee List](#).

You are currently listed on our website (<https://scp.nrc.gov/special/designee.pdf>) as the State official designated by your Governor to receive advance notification of radioactive material and nuclear material shipments through your State, as required by Public Law 96-295 (Section 301) and implemented in Title 10 of the Code of Federal Regulations, Parts 37, 71, and 73.

Specific advance notifications are as follows:

- **10 CFR 37.77**, "Advance Notification of Shipment of Category 1 Quantities of Radioactive Material," requires advance written notification be provided to the licensing agency (i.e., the NRC or an Agreement State) and to affected States for shipment of licensed material in a Category 1 quantity, as established in Appendix A to 10 CFR Part 37, "Category 1 and Category 2 Radioactive Materials," before transport of the material outside the confines of the licensee's facility or other place of use or storage.
- **10 CFR 71.97**, "Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste," requires advance written notification be provided to States, participating Federally recognized Tribes, and the NRC for irradiated reactor fuel and for large quantity shipments of radioactive waste outside the confines of the licensee's facility or other place of use or storage.
- **10 CFR 73.35**, "Requirements for Physical Protection of Irradiated Reactor Fuel (100 grams or less) in Transit," requires that small shipments of irradiated reactor fuel (100 grams or less) be subject to the physical protection requirements in 10 CFR Part 37. Accordingly, per 10 CFR 37.77, advanced written notification must be provided to States and the NRC for these shipments before transport outside the confines of the licensee's facility or other place of use or storage.
- **10 CFR 73.37**, "Requirements for Physical Protection of Irradiated Reactor

Fuel in Transit," requires advance written notification be provided to States, participating Federally recognized Tribes, and the NRC for larger shipments of irradiated reactor fuel (greater than 100 grams) outside the confines of the licensee's facility or other place of use or storage.

Please verify that your state's designee information (such as, name, phone, fax, address, and email) is still correct. The current contact information on file can be found at: <https://scp.nrc.gov/special/designee.pdf>.

If changes should be made, please let me know.

Thanks.

Jeff

Jeffery A. Lynch

State Liaison Project Manager

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