

October 3, 2005

LETTER TO: STATE LIAISON OFFICER
RADIATION CONTROL PROGRAM DIRECTORS
TRANSPORTATION CONTACT (10 CFR PARTS 71/73 without facilities)

Dear Madam or Sir:

In previous correspondence, the U.S. Nuclear Regulatory Commission (NRC or Commission) informed State and Territorial Officials that the NRC had issued Orders, dated July 19, 2005, imposing requirements with respect to the transportation of radioactive material quantities of concern (RAMQC), requiring compliance with the specified additional safeguards and security measures. Requirements in the Order and associated additional security measures (ASMs) supplemented but did not replace existing regulations concerning transportation of radioactive material. Specifically, although the Order addressed notification requirements for certain shipments, the notification requirements of 10 CFR 71.97 are still applicable. The Commission subsequently directed the NRC staff to issue associated implementation guidance.

While the Orders and associated ASMs were in development, the NRC worked with the Nuclear Energy Institute (NEI) Transportation Security Task Force (TSTF) in their development of an implementation guidance document to facilitate licensee implementation of the ASMs. During development, the NRC held numerous meetings with the NEI TSTF to specifically discuss and provide comment on the draft implementing guidance.

The NRC has completed its review of NEI's document and has determined that it provides an acceptable method for licensee implementation of the ASMs. Enclosure 1 is a copy of the NEI developed implementation guidance document and was distributed to all appropriate licensees so that you are aware of the requirements and are aware that licensees in your State may receive similar implementing guidance in the future. Moreover, if any licensee from another State plans to ship RAMQC through your State, they will be required to coordinate with your State's law enforcement agencies.

WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information" is subject to Civil and Criminal Penalties.

When separated from the Enclosure this document is DECONTROLLED.

~~SAFEGUARDS INFORMATION - MODIFIED HANDLING~~

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Please be aware that the information provided at Enclosure contains Safeguards Information and must be protected against unauthorized disclosure.

If you or your staff have any questions regarding this matter, please contact the individual named below.

POINT OF CONTACT: Richard Blanton
TELEPHONE: (301) 415-2322

INTERNET: rlb@nrc.gov
FAX: (301) 415-3502

Sincerely,

/RA By Dennis K. Rathbun for/
Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure: As stated

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