

**GROUP I**

**FOIA/PA NO: 2014-0392**

**RECORDS BEING RELEASED IN THEIR ENTIRETY**

June 6, 2002

The Honorable Don Siegelman  
Governor of Alabama  
State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130

Dear Governor Siegelman:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to inform you of actions which the NRC intends to take to enhance physical protection measures for the transportation of large quantities of radioactive material and spent nuclear fuel. I am requesting your cooperation and assistance in carrying out these actions.

The Commission has directed the NRC staff to develop immediately effective Orders that impose additional physical protection measures on shipments of large quantities of radioactive material and spent nuclear fuel for transportation by highway and rail modes. The Commission has concluded that these enhancements are necessary for the current threat environment. The content of the Orders will be modeled on the transportation advisories that NRC issued on November 8 and revised on December 13, 2001, and which were provided to you through your State Liaison Officer. The NRC is taking this action pursuant to its authority under the Atomic Energy Act of 1954 as amended to protect the common defense and security, an authority which has not been relinquished to the States. Therefore, the NRC will be issuing Orders on the transportation of radioactive material to NRC licensees, and to persons in Agreement States who possess, receive, or ship large quantities of radioactive material. Orders will be issued to licensees who have shipped large quantities of radioactive material within the last two years or who intend to ship in the near term. The Commission intends subsequently to codify by rule the requirements of the Order.

We request that you assist the NRC in identifying those licensees in your State that should receive Orders. To facilitate this activity, the NRC staff has developed the enclosed criteria which identify the types of licensees and the type of information of interest. This information is critical to identifying those persons who should receive Orders. We ask that your radiation protection program provide this requested information to the NRC staff within three weeks from the date of this letter. Instructions for submitting the requested information are included in this enclosure. We will be soliciting further input from your State and other stakeholders after the NRC staff has provided the draft Orders to the Commission for its review. We also will provide you with a copy of the Orders issued to licensees within your State upon their issuance. Although this letter contains sensitive information, and should not be publicly disclosed, it does

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NOT FOR PUBLIC DISCLOSURE

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not contain Safeguards Information. Similarly, the information that you compile on the licensee's names, locations, possession limits and large shipment schedules should not be publicly disclosed.

If you or your staff have any questions regarding this request, you may contact me, or Mr. Paul H. Lohaus, Director of the NRC Office of State and Tribal Programs at 301-415-3340.

The Commission appreciates your assistance in this very important matter.

Sincerely,

*/RA/*

Richard A. Meserve

Enclosure: Criteria

cc: Kirksey E. Whatley  
Colonel James H. Alexander  
Brigadier General Michael H. Sumrall

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## Criteria

The NRC is providing the following information to assist Agreement States in identifying to the NRC those licensees which transport large quantities of radioactive material.

### 1. Possession Limits

Agreement States are requested to identify those persons to whom the Agreement State has issued a license to possess byproduct or special nuclear material in quantities exceeding:

- (1) 1000 Terabequerels (Tbq) [27,000 Curies (Ci)];
- (2) 3000 times the A<sub>1</sub> limit for a radionuclide listed in Appendix A to 10 CFR Part 71; or
- (3) 3000 times the A<sub>2</sub> limit for a radionuclide listed in Appendix A to 10 CFR Part 71, whichever is least.

Or, greater than 5 grams of plutonium (for licenses that do not distinguish between nuclides of plutonium). Specific gram limits for the nuclides of plutonium are provided on page 2.

The NRC Office of State and Tribal Programs will separately provide your staff a table that identifies, for each radionuclide listed in Appendix A to Part 71, the Highway Route Controlled Quantity Limits.

### 2. Licensee Information

For those licensees that meet the criteria in paragraph 1 above, Agreement States are requested to provide the following information in a MS-Word or WordPerfect file format:

License Number  
Name of Licensee  
Licensee Address  
Licensee contact, including telephone number

### 3. Actual Shipments Information

In addition to the licensee information requested by paragraph 2, States are requested to provide any information of which they may be aware where a licensee, in a single shipment, has shipped a large quantity of radioactive material (exceeding the criteria in paragraph 1), within the last two years or intends to make such a shipment within the near term.

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4. Mailing Instructions

In order to expedite delivery of the requested information, we request that it be sent by express delivery service to:

U.S. Nuclear Regulatory Commission  
Attn: Paul H. Lohaus, Director  
Office of State and Tribal Programs  
Mail Stop O-3-C-10  
11555 Rockville Pike  
Rockville, Maryland 20852

The following gram limits are provided for 3000 times the  $A_1$  limit or 3000 times the  $A_2$  limit for the individual plutonium nuclides listed below:

HRCQ Mass Equivalent Limits for Plutonium <sup>1</sup>		
Nuclide	Special Form ( $A_1$ )	Normal Form ( $A_2$ )
Pu - 236	1.05 Kg <sup>1</sup>	0.11 g
Pu - 237	133 g	133 g
Pu - 238	9.5 Kg <sup>1</sup>	0.95 g
Pu - 239	2608 Kg <sup>1</sup>	260 g <sup>1</sup>
Pu - 240	71 Kg <sup>1</sup>	71 g
Pu - 241	31 Kg <sup>1</sup>	8 g
Pu - 242	$4.0 \times 10^4$ Kg <sup>1</sup>	4 Kg <sup>1</sup>
Pu - 244	$1.3 \times 10^6$ Kg <sup>1</sup>	895 Kg <sup>1</sup>

<sup>1</sup> Agreement State licenses are limited to a maximum possession limit of 200 grams of Pu by 10 CFR 150.11. Consequently, Agreement State licensees are not authorized to possess an HRCQ Mass Equivalent of this isotope in the form specified. Separate from any additional requirements the NRC may impose for shipments of radioactive material above the HRCQ threshold (e.g., Pu), current requirements exist in 10 CFR Part 73 for the shipment of special nuclear material (SNM). Plutonium is also SNM. Transportation security regulations for SNM apply to shipments of more than 15 grams of Pu (10 CFR 73.67 and 73.25, respectively).

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## Agreement States

Identical letter to:

The Honorable Don Siegelman  
Governor of Alabama  
State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130  
cc: Kirksey E. Whatley  
Colonel James H. Alexander  
Brigadier General Michael H. Sumrall

The Honorable Jane Hull  
Governor of Arizona  
State Capitol  
1700 West Washington  
Phoenix, Arizona 85007  
cc: Aubrey V. Godwin  
Steve Jewett

The Honorable Mike Huckabee  
Governor of Arkansas  
State Capitol  
Room 250  
Little Rock, Arkansas 72201  
cc: Bernard Bevill  
W.R. Bud Harper

The Honorable Gray Davis  
Governor of California  
State Capitol  
Sacramento, California 95814  
cc: Robert A. Laurie  
Edgar D. Bailey  
Captain Andrew R. Jones  
George Vinson

The Honorable Bill Owens  
Governor of Colorado  
136 State Capitol  
Denver, Colorado 80203  
cc: Warren E. (Jake) Jacobi  
Captain Tommy Wilcoxon  
C. Suzanne Mencer

The Honorable Jeb Bush  
Governor of Florida  
The Capitol  
Tallahassee, Florida 32399  
cc: William A. Passetti  
Harlan W. Keaton  
Tim Moore

The Honorable Roy Barnes  
Governor of Georgia  
203 State Capitol  
Atlanta, Georgia 30334  
cc: James Setser  
Thomas E. Hill  
Captain Bruce Bugg  
Colonel Robert Hightower

The Honorable George Ryan  
Governor of Illinois  
State Capitol  
207 Statehouse  
Springfield, Illinois 62706  
cc: Thomas W. Ortciger  
Matthew Bettenhausen

The Honorable Thomas Vilsack  
Governor of Iowa  
State Capitol  
Des Moines, Iowa 50319  
cc: Daniel K. McGhee  
Donald A. Flater  
Ellen M. Gordon

The Honorable Bill Graves  
Governor of Kansas  
State Capitol, Second Floor  
Topeka, Kansas 66612  
cc: Victor L. Cooper  
Gary D. Miller  
Frank H. Moussa  
Major General Gregory Gardner

The Honorable Paul Patton  
Governor of Kentucky  
State Capitol  
700 Capitol Avenue  
Frankfort, Kentucky 40601  
cc: John A. Volpe, Ph.D.  
Brigadier General D. Allen Youngman

The Honorable Mike Foster, Jr.  
Governor of Louisiana  
P. O. Box 94004  
Baton Rouge, Louisiana 70804  
cc: Michael E. Henry  
Major Joseph T. Booth  
Terry Ryder

The Honorable Angus King, Jr.  
Governor of Maine  
1 State House Station  
Augusta, Maine 04333  
cc: W. Clough Toppan  
Paula Craighead  
Colonel Michael R. Sperry  
Major General Joseph Tinkham, II

The Honorable Parris Glendening  
Governor of Maryland  
State House  
100 State Circle  
Annapolis, Maryland 21401  
cc: Ann Marie DeBiase  
Roland G. Fletcher  
First Sgt. Sylvia L. Wright  
Alvin C. Collins

The Honorable Jane Swift  
Governor of Massachusetts  
State House, Room 360  
Boston, Massachusetts 02133  
cc: Stephen McGrail  
Robert M. Hallisey  
Richard S. Swensen



The Honorable Ronnie Musgrove  
Governor of Mississippi  
P.O. Box 139  
Jackson, Mississippi 39205  
cc: Robert W. Goff  
Robert R. Latham, Jr.

The Honorable Mike Johanns  
Governor of Nebraska  
P.O. Box 94848  
Lincoln, Nebraska 68509  
cc: Lieutenant Governor David Heineman  
Robert E. Leopold  
Major Bryan J. Tuma

The Honorable Kenny Guinn  
Governor of Nevada  
State Capitol  
101 North Carson Street  
Carson City, Nevada 89701  
cc: Robert R. Loux  
Stanley R. Marshall  
Frank Siracusa

The Honorable Jeanne Shaheen  
Governor of New Hampshire  
State House, Room 208  
Concord, New Hampshire 03301  
cc: Donald P. Bliss  
Veronica Malmberg  
Richard M. Flynn

The Honorable Gary Johnson  
Governor of New Mexico  
State Capitol  
Fourth Floor  
Santa Fe, New Mexico 87503  
cc: Cecilia Williams  
William Floyd  
Ernesto Rodriguez  
Tom English

The Honorable John Kitzhaber, M.D.  
Governor of Oregon  
900 Court Street, N.E., Room 254  
Salem, Oregon 97301  
cc: David Stewart-Smith  
Terry D. Lindsey  
Ronald C. Ruecker

The Honorable Lincoln Almond  
Governor of Rhode Island  
State House  
Providence, Rhode Island 02903  
cc: Peter Todd  
Marie Stoeckel  
William A. Maloney  
Major General Reginald Centracchio

The Honorable Jim Hodges  
Governor of South Carolina  
P.O. Box 11829  
Columbia, South Carolina 29211  
cc: Henry J. Porter  
T. Pearce O'Kelley  
Major General R.S. "Steve" Siegfired

The Honorable Don Sundquist  
Governor of Tennessee  
State Capitol  
Nashville, Tennessee 37243  
cc: L. Edward Nanney  
John D. White, Jr.  
Brigadier General Wendell Gilbert

The Honorable Rick Perry  
Governor of Texas  
P. O. Box 12428  
Austin, Texas 78711  
cc: Roger Mulder  
Susan M. Jablonski  
Richard A. Ratliff  
Colonel Thomas A. Davis  
Dr. Michael McKinney

The Honorable Michael Leavitt  
Governor of Utah  
210 State Capitol  
Salt Lake City, Utah 84114  
cc: William J. Sinclair  
Scott Behunin

The Honorable Gary Locke  
Governor of Washington  
P.O. Box 40002  
Olympia, Washington 98504  
cc: Bob Nichols  
John L. Erickson  
Lieutenant Steven L. Kalmbach  
Major General Timothy J. Lowenberg