



Western Governors' Association Policy Resolution 08-4

Enhancing Security During Transport of Radioactive Materials in Quantities of Concern

A. BACKGROUND

1. The Nuclear Regulatory Commission (NRC) is proposing to enhance security requirements for the transportation of Radioactive Materials in Quantities of Concern (RAMQC) to ensure that effective security measures are in place to protect these shipments given the post-September 11, 2001 threat environment.
2. RAMQC refers to sixteen types of radioactive materials, including cobalt-60, plutonium, and cesium-137, that are commonly transported in the U.S. for medical, academic, and industrial uses that could pose a threat to people and the environment.
3. While spent nuclear fuel transportation is being handled in a separate NRC rulemaking, security measures regarding transportation of RAMQC may set precedents for similar measures regarding spent nuclear fuel and high-level radioactive waste transport.
4. Since September 11, 2001, NRC has issued advisories and orders to enhance security for RAMQC shipments. The goals are to prevent theft and diversion, to prevent malevolent use of the material, to provide prompt detection, assessment, reporting and law enforcement response in case of theft or diversion, and to confirm arrival of the shipment at its intended destination.
5. NRC's proposed rulemaking in this area applies to its licensees in the U.S., but not to shipments from foreign countries passing through the United States (called "transshipments") to another foreign country, and not to carriers.
6. NRC's authority to protect public health and safety allows states to participate in enforcing enhanced security regulations including state inspections of licensees and enforcement of enhanced safety and security requirements.
7. NRC authority to regulate transportation security is shared with the U.S. Department of Homeland Security, the U.S. Department of Transportation, and with Agreement States (regarding matters of safety, not common defense).

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors' Association is committed to the safe and uneventful transportation of RAMQC and radioactive waste.

2. The Western Governors' Association supports consistent and effective rules to ensure the safety and security of RAMQC shipments, as well as shipments of spent nuclear fuel, high-level radioactive waste, and other radioactive materials of concern.
3. All shipments of RAMQC passing through the U.S. should be required to meet the same safety and security requirements, regardless of whether these shipments are domestic or foreign shipments. Consistent security and safety requirements should be required for all RAMQC shipments, including transshipments to and from foreign countries being transported through the U.S.
4. RAMQC regulations should fall under NRC's authority to promote safety and security rather than under its authority to promote common defense and security.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association (WGA) shall post this resolution to its Web site to be referred to and transmitted as necessary.
2. This policy resolution shall be specifically conveyed to the President of the United States, the Secretaries of Homeland Security, Transportation, and Energy, the chairman of the Nuclear Regulatory Commission, and the appropriate members and committees of Congress.
3. The WGA staff, in cooperation with the Western Interstate Energy Board, shall monitor implementation of this resolution and inform the Governors of progress towards meeting the Governors' objectives. WGA and WIEB are to provide the federal government and NRC licensees with assistance in the development and implementation of transportation, communications and security plans for RAMQC.

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