July 19, 2005

EA-05-007

To: Holders of Licenses for Power and
Research and Test Reactors Authorized
to Possess and Transfer Items Containing
Radioactive Material Quantities of Concern
as listed in Attachment A to Enclosure 1

SUBJECT: ISSUANCE OF ORDER FOR ADDITIONAL SECURITY MEASURES ON THE TRANSPORTATION OF RADIOACTIVE MATERIAL QUANTITIES OF CONCERN

The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued the enclosed Order (Enclosure 1 with attachments) that modifies your license with respect to the transportation of radioactive material quantities of concern (RAMQC), to require compliance with the specified additional safeguards and security measures. This Order applies to all Addressees listed in Attachment A to the enclosed Order. The additional security measures (ASM) are listed as Attachment B to the enclosed Order, and contain Safeguards Information. Requirements in this Order supplement but do not replace existing regulations concerning transportation of radioactive material. Specifically, although this Order addresses notification requirements for certain shipments, the notification requirements of 10 CFR 71.97 are still applicable.

The Commission recognizes that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001. However, in light of the current threat environment, the Commission has concluded that these additional security measures should be embodied in an Order, consistent with the established regulatory framework, and requires the enclosed Order to be effective immediately.

Please be aware that the information provided at Enclosure 3 provides sensitive information and Enclosures 1 and 2 contain Safeguards Information and must be protected against unauthorized disclosure. This Order does not obviate the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. These requirements will remain in effect until the Commission determines otherwise.

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

When separated from Attachment B of Enclosure 1, Attachment B of Enclosure 2, and Enclosure 3 this document is DECONTROLLED.

The enclosed Order requires that all licensees respond to the Order within twenty (20) days of receipt and implement the ASMs within a specified time frame. If a licensee plans to implement the ASMs, but not within one-hundred and eighty (180) days after issuance of the Order, the licensee should provide the NRC with an implementation schedule as part of their twenty (20) day notification or before one-hundred and eighty (180) days has elapsed.

If a licensee elects not to implement the ASMs because they are not applicable to that licensee's activities and notifies the NRC accordingly, but conditions change requiring the licensee to ship RAMQC, the licensee should inform the NRC ninety (90) days in advance of their first RAMQC shipment.

The NRC is also issuing Regulatory Issue Summary, "Transportation of Radioactive Material Quantities of Concern NRC Threat Advisory and Protective Measures System," (Enclosure 2 with attachments) to specific NRC licensees who are authorized to possess RAMQC and general licensees as described in 10 CFR Part 71 who are authorized to transport radioactive materials in these quantities. In addition, enclosed are the comments and responses from the stakeholder meetings the NRC conducted on the RAMQC Orders (Enclosure 3). The implementation guidance document will be provided under a separate cover.

Please contact Travis Tate (301-415-8474, tlt@nrc.gov), Rocky Foster (301-415-7670, rdf@nrc.gov), or Francis Young (301-415-3207, fiy@nrc.gov) to facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order. The enclosed Order (with non-public information removed) has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosures: As stated

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Sincerely,
/RA/

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Enclosures: As stated

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Peach Bottom Atomic Power Station, Units 2 and 3
Oyster Creek Nuclear Generating Station
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Three Mile Island Nuclear Station, Unit 1
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