UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

EA-05-090

Holders of Material Licenses Authorized
to Possess Radioactive Material Quantities of Concern
as listed in Attachment A to Enclosure 1

SUBJECT: ISSUANCE OF ORDER FOR INCREASED CONTROLS FOR CERTAIN RADIOACTIVE MATERIALS LICENSEES

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing the enclosed Order (Enclosure 1, with attachments) that requires compliance with the increased controls with respect to the possession of radioactive materials quantities of concern. This Order applies to all Addressees listed in Attachment A to the enclosed Order. Attachment B to this Order contains the additional requirements. Attachment B, Table 1, identifies radioactive material quantities of concern.

The Commission recognizes that you have voluntarily and responsibly implemented additional measures following the events of September 11, 2001. The Commission has determined that certain additional controls are required to be implemented by Licensees to supplement existing regulatory requirements in 10 CFR § 20.1801 and 10 CFR § 20.1802, to ensure adequate protection of, and minimize danger to, the public health and safety. Therefore, the Commission is imposing the requirements set forth in Attachment B on radioactive materials licensees who possess, or have near term plans to possess, radioactive material quantities of concern. These requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety continues to be adequately protected. The Commission has concluded that these additional protective measures should be embodied in an Order. The Order sets forth requirements with which you must comply. The enclosed Order is effective immediately. These requirements will remain in effect until the Commission incorporates similar measures into its regulations.

The enclosed Order calls for responses and actions within specified time frames. All recipients are required to respond, in writing to the NRC, within twenty-five (25) days of this Order. A licensee may determine that the Orders are not applicable to their operations and notify the NRC accordingly. However, before taking possession of Table 1 quantities of concern, Licensees shall complete implementation of the requirements in the Order on the first day that radionuclides of concern at or above threshold limits identified in Table 1 are possessed.

Also enclosed is a copy of Implementing Guidance and Questions and Answers resulting from closed meetings held with, and correspondence received, from stakeholders (Enclosure 2).

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Please contact the following members of the NRC staff, John Hickey, (301) 415-7197, jwh1@nrc.gov or Frederick Sturz, (301) 415-6678, fcs@nrc.gov, to facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order. The enclosed Order has been forwarded to the Office of the *Federal Register* for publication.

Sincerely,

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:
As stated

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