November 14, 2005 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 material 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. Table 1 of Attachment B, 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 material 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 increased control measures should be imposed by 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. In the response, you must submit a schedule for compliance as required in section III, condition C.1 of the Order, or provide the notifications required by conditions B.1 or B.2. If you determine that compliance with the Order is not necessary because you do not possess radioactive material quantities of concern although you are licensed to do so, you must notify the NRC as specified in condition B.1. If you subsequently acquire radioactive material quantities of concern, implementation of the Order must be completed in accordance with condition A.

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). Additionally, NRC recognizes that there may be no originating licensee as identified in Item D, on Increased Controls Section IC 3 to Attachment B, and therefore, licensees should coordinate with the originator of each applicable shipment.

To facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order, please contact Doug Broaddus at (301) 415-7197, or Frederick Sturz at (301) 415-6678. You may also send questions to ICSupport@nrc.gov. All other correspondence, written responses to the Order, and copies of written responses to the Order submitted to the Director, Office of Nuclear Material Safety and Safeguards, should be addressed to the attention of Ernesto Quinones, USNRC, MS T8F3. The enclosed Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

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

Enclosures
1. Order
2. Copy of Implementing Guidance and Questions and Answers

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Jack R. Strosnider, Director
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1. Order
2. Copy of Implementing Guidance and Questions and Answers

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