



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

December 8, 2005

TO: Certain Licensees Authorized to Possess and Transfer Items Containing
Radioactive Material Quantities of Concern

SUBJECT: ENHANCED SECURITY OF RADIOACTIVE MATERIAL

The U.S. Nuclear Regulatory Commission (NRC) issued, on July 19, 2005, enhanced transportation security Orders to certain licensees authorized to possess and transfer Radioactive Materials Quantities of Concern (RAMQC). Orders were issued to both NRC and Agreement State licensees who may possess and transfer radioactive material in quantities of concern.¹ The Orders require compliance with specific additional security measures (ASMs) to enhance the security of certain radioactive materials during transportation. The NRC issued Orders to both NRC and Agreement State Licensees under its authority to protect the common defense and security, which has not been relinquished to the Agreement States.

To facilitate your receiving the RAMQC Orders, ASMs and implementing guidance, the NRC first must authorize the appropriate personnel at your facility to receive the documents, which the NRC has designated as Safeguards Information under Section 147 of the Atomic Energy Act of 1954, as amended. Each licensee that receives Safeguards Information must protect it from disclosure to unauthorized individuals.

Enclosed is a document entitled "Modified Handling Requirements for the Protection of Certain Safeguards Information" (Enclosure 1), which describes what you must do to protect Safeguards Information. Also enclosed is a draft guidance document, Examples of Designation of Safeguards Information - Modified Handling (Enclosure 2), to assist you in determining what is and what is not considered Safeguards Information.

¹The International Atomic Energy Agency (IAEA) published the *Code of Conduct on the Safety and Security of Radioactive Sources*, dated January, 2004, which defined a source categorization scheme and provides policy-level and operational-level recommendations that, taken together, represent a comprehensive list of actions that will, when implemented, provide a higher level of protection for radioactive materials during transport. The Code of Conduct provides a list of radionuclides and thresholds to be used as a basis for applying appropriate near term protective measures against malevolent use. NRC determined that it will use the IAEA methodology to support consistent international cooperation for radioactive material security.

The IAEA "Code of Conduct on the Safety and Security of Radioactive Sources" and information about the IAEA study methodology is in IAEA-TECDOC-1344, "Categorization of Radioactive Sources," and can be found on the Internet at <http://www-pub.iaea.org/MTCD/publications/publications.asp>

Licensees are reminded that information designated as Safeguards Information must be withheld from public disclosure and must be physically controlled and protected. Physical protection requirements include (1) secure storage, (2) document marking, (3) access restricted to authorized individuals, (4) limited reproduction, (5) protected transmission, and (6) enhanced automatic data processing system controls.

Inadequate protection of Safeguards Information including inadvertent release and unauthorized disclosure, may result in civil and/or criminal penalties. Willful violation of any regulation or Order governing Safeguards Information is a felony subject to criminal penalties in the form of fines or imprisonment, or both, as prescribed in Section 223 of the Act. The specific penalties associated with such violations will be determined by the staff in its implementation of the NRC Enforcement Policy, and the discretion of the Commission based on details and significance of the violation.

Please respond to this letter no later than 10 days from the date of this letter with the names of no more than four individuals who will be initially granted NRC authorization to view, discuss, and receive Safeguards Information. These individuals must have a "need to know" the information and be trustworthy and reliable. Not everyone who may in the future have a need to access Safeguards Information needs to be authorized at this time. There is a process to allow you to authorize additional individuals to have access to Safeguards Information. At this time NRC needs to authorize access to Safeguards Information to a few key individuals who will be responsible for planning and implementing security measures at your facility.

Please provide the following information:

1. full name of each individual to be granted initial access authorization for Safeguards Information
2. position or title
3. basis for determining each individual listed has an established need to know
4. basis for determining each individual to be reliable and trustworthy
5. an affirmation that you have the appropriate capability, as described in Enclosure 2, to protect Safeguards Information

The determination in 3 must be based upon the nature of the individual's position and duties. The determination in 4 must be based upon the length of an individual's employment and other pertinent factors you considered.

Please respond on or before 10 days from the date of this letter to:

Director, Division of Nuclear Security
Office of Nuclear Security
and Incident Response
Mail Stop T-4D8
Washington, D.C. 20555

You may also transmit your response by fax to 301-415-6661, ATTN: Rocky Foster, or by e-mail to rdf@nrc.gov.

Upon our review and acceptance of your response, we will send you a letter that grants your designated personnel initial authorization access to Safeguards Information followed with the issuance the Orders, additional security measures and implementing guidance. At the same time we will issue an Order that will require you to protect Safeguards Information in accordance with Enclosure 1. Only individuals who have been authorized access to Safeguards Information should be authorized to have access to documents.

If you have any questions about this letter please contact Rocky Foster, Office of Nuclear Security and Incident Response, at 301-415-7670 or by e-mail to rdf@nrc.gov.

Sincerely,

/RA/

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security
and Incident Response

Enclosures: As Stated

December 8, 2005

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Sincerely,

(Original Signed by)

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security
and Incident Response

Enclosures: As Stated

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