

May 9, 2006

EA-05-090

TO: 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), which requires compliance with the, "Increased Controls" regarding 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 since the events of September 11, 2001. The Commission has determined that licensees must implement certain additional controls to supplement existing regulatory requirements in 10 CFR 20.1801 and 10 CFR 20.1802, so as 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 to the Order on radioactive material licensees that 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 from the date posted on the 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 condition B.1. or B.2. Your response should not include details of your program for achieving compliance with the Order. Licensee programs will be reviewed through inspection after compliance is achieved. If your response indicates that you will comply with the Order, you only need to provide a schedule for implementation of each requirement. 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) .

To facilitate resolution of any issues or questions about compliance with the requirements in the enclosed Order, please call Increased Controls Support at (301) 415-7197, or e-mail questions to ICSupport@nrc.gov. Correspondence can also be sent via fax at (301) 415-5369, and should be addressed to the attention of Ernesto Quinones, Mail Stop T8F3.

Licensee responses to the Order are required to be submitted to the Director, Office of Nuclear Material Safety and Safeguards. The following mailing addresses should be used:

For normal postal delivery, mail to:

Director, Office of Nuclear Material Safety and Safeguards
U.S. NRC
Washington, D.C., 20555-0001
ATTN: Ernesto Quinones, Mail Stop T8F3

For delivery services requiring a street address, mail to:

Director, Office of Nuclear Material Safety and Safeguards
U.S. NRC
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
ATTN: Ernesto Quinones, Mail Stop 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. Implementing Guidance and Questions and Answers

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