

~~SAFEGUARDS INFORMATION – MODIFIED HANDLING~~

August 14, 2008

EA-08-212

TO: Certain Licensees Authorized to Manufacture or Distribute Items Containing
Radioactive Material as Listed in Attachment 1 to Enclosure 1

SUBJECT: ISSUANCE OF ORDER FOR ADDITIONAL SECURITY MEASURES

Dear Licensee:

The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued the enclosed Order (Enclosure 1 with attachments), imposing requirements with respect to licensees who manufacture and distribute items containing radioactive material, requiring compliance with the specified additional security measures (ASMs). This Order applies to all NRC and Agreement State licensees listed in Attachment 1 to the enclosed Order. The ASMs are listed as Attachment 2 to the enclosed Order, and contain Safeguards Information.

One of the ASMs (Attachment 3 to Enclosure 1) requires fingerprinting of all individuals who seek unescorted access to radioactive materials determined by the Commission to be of significance to the public health and safety or common defense and security, in accordance with Section 149 of the Atomic Energy Act of 1954, as amended (AEA). "Access" to these radioactive materials means that an individual could exercise some physical control over the material or device.

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.

The enclosed Order calls for response within specified time frames. You must submit an initial response within twenty (20) days, as noted in Section III of the Order. With respect to the notices and submissions required by Sections III.B and III.C of the Order, for any requirement of Attachments 2 or 3 to Enclosure 1 that is contingent on completion of another requirement of Attachments 2 or 3 to Enclosure 1, it will be a sufficient response if you state in your 20 day submission that completion of the requirement depends on completion of another

Warning: Violation of Section 147 of the Atomic Energy Act of 1954, as amended, "Safeguards Information" is subject to Civil or Criminal penalties.

When separated from Attachments 1 through 3 to Enclosure 1, Enclosure 2, Enclosure 3, and Enclosure 4, this document is DECONTROLLED.

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requirement and the expected date of completion of the other requirement. Upon completion of such other requirements, you should promptly submit the results and the actions thereafter proposed with respect to the requirement at issue, as well as the projected date of completion. No extension of time from the 20 day requirement is necessary for such responses submitted within 20 days.

The NRC is also providing the Regulatory Issue Summary (RIS) 2002-12M with enclosures, "Manufacturing and Distribution Licensees NRC Threat Advisory and Protective Measures System" (Enclosure 2) to specific NRC and Agreement State licensees who are licensed to manufacture and distribute items containing radioactive material. In addition, the NRC is providing implementation guidance (Enclosure 3) designed to facilitate licensee implementation of the ASMs.

The NRC is also providing "Guidance for Licensee's Evaluation of Access to Safeguards Information or Unescorted Access to Radioactive Materials With the Inclusion of Criminal History (Fingerprint) Checks" (Enclosure 4). Please note that individuals who have been fingerprinted and granted access to Safeguards Information by the reviewing official under NRC "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information" do not need to be fingerprinted again for purposes of satisfying this Order.

Please be aware that the information provided in Enclosure 1, Attachment 3, and Enclosure 4 are publicly available. Attachment 1 to Enclosure 1 contains sensitive unclassified information, marked, "Official Use Only - Security Related Information" and will be withheld from the public. The "Official Use Only - Security Related Information," information should, as a minimum, be stored in a space or building that is protected by electronic access controls, security guards, or alternatively, in a locking cabinet or other equivalent storage container. Attachment 2 to Enclosure 1, Enclosure 2, and Enclosure 3 contain Safeguards Information, all of which must be protected against unauthorized disclosure in accordance with NRC Order EA-08-161, issued on June 18, 2008, entitled, "Order Imposing Requirements for the Protection of Certain Safeguards Information."

Licensees are required to submit fingerprints in accordance with this Order. The current processing fee is \$36.00 per submission and payment should be made electronically through <http://www.pay.gov>. Details regarding fingerprint submittals and payment of fees are found in Attachment 3 to Enclosure 1. The enclosed Order requires that all Licensees respond to this Order within 20 days of the date of its issuance, as noted in Section III of the Order, and implement the requirements before allowing unescorted access to radioactive materials to any individual.

Licensee responses to the enclosed Order (not fingerprint cards) are required to be submitted to the Director, Office of Federal and State Materials and Environmental Management Programs, and should be addressed to the attention of Tomas Herrera, Mail Stop T-8E24. The following mailing addresses should be used:

For normal postal delivery, mail to:

Director, Office of Federal and State Materials and
Environmental Management Programs
U.S. NRC
Washington, DC 20555-0001
ATTN: Tomas Herrera, Mail Stop T-8E24

For delivery services requiring a street address, mail to:

Director, Office of Federal and State Materials and
Environmental Management Programs
U.S. NRC
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
ATTN: Tomas Herrera, Mail Stop T-8E24

Licensee fingerprint cards are required to be submitted to the Director, Division of Facilities and Security, and should be addressed to the attention of the Criminal History Program, Mail Stop T-6E46. The following mailing addresses should be used:

Director, Division of Facilities and Security
U.S. NRC
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
ATTN: Criminal History Program, Mail Stop T-6E46

Please include the docket number listed in Attachment 1 to the enclosed Order in all your correspondence with NRC. In addition, Licensee responses shall be marked as "Security-Related Information - Withhold Under 10 CFR 2.390."

Please contact Tomas Herrera (301-415-7138, Tomas.Herrera@nrc.gov), or Andrew Mauer (301-415-3882, Andrew.Mauer@nrc.gov) to facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order.

The Order without the Safeguards Information or "Official Use Only - Security Related Information" content, has been forwarded to the Office of the Federal Register.

Sincerely,

/RA/

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Order Imposing Additional Security
2. Regulatory Issue Summary
(RIS) 2002-12M with Enclosures
3. Implementing Guidance for EA-08-212
4. Guidance for Licensee's Evaluation of
Access to Safeguards Information or
Unescorted Access to Radioactive
Materials With the Inclusion of
Criminal History (Fingerprint) Checks

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DISTRIBUTION:

FSME r/f	DMSSA r/f	RidsOgcMailCenter	RidsOeMailCenter
RidsNsirOD	THerrera	AMauer	

ML 081930717 (Package)

OFFICE	FSME/DMSSA/SSSB	FSME/DMSSA/SSSB	OE:OD	OGC
NAME	THerrera	AMauer	NHilton for CCarpenter	NBafundo for JGoldberg
DATE	7/11/08	7/14/08	7/23/08	7/21/08
OFFICE	NSIR:OD	FSME/DMSSA	FSME	FSME:OD
NAME	MShaffer for RZimmerman	JLuehman for RLewis	PTressler for CPoland	CMiller
DATE	8/07/08	08/11/08	08/12/08	08/14/08

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