

March 21, 2017  
RN-17-009

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT REGULATORY ACTION

Licensees: Holders of Materials Licenses that Received U.S. Nuclear Regulatory Commission Security Orders Imposing Trustworthiness and Reliability Requirements for Unescorted Access to Certain Radioactive Materials for Service Providers that are not Manufacturers and Distributors

Subject: RESCISSION OF U.S. NUCLEAR REGULATORY COMMISSION SECURITY ORDER IMPOSING TRUSTWORTHINESS AND RELIABILITY REQUIREMENTS FOR UNESCORTED ACCESS TO CERTAIN RADIOACTIVE MATERIALS FOR SERVICE PROVIDERS THAT ARE NOT MANUFACTURERS AND DISTRIBUTORS

This is to inform the Commission that Security Orders, which was previously issued under the NRC's common defense and security authority to certain types of materials licensees, will be rescinded on or about March 27, 2017. Letters will be sent to all applicable materials licensees impacted by the Security Orders' rescission (ADAMS Accession No. ML17037D176).

The Order entitled, "Order Imposing Trustworthiness and Reliability Requirements for Unescorted Access to Certain Radioactive Materials" was issued to non-manufacturer and distributor (M&D) service provider licensees at their request to codify licensees' voluntary commitment to implement requirements to assess the trustworthiness and reliability of employees. Implementation of the Order's requirements provided a means to allow these non-M&D service provider licensees to have unescorted access to clients' Category 1 or Category 2 quantities of radioactive material while providing services until security regulations could be promulgated.

The NRC has determined that the subject Order can be rescinded because Title 10 of the *Code of Federal Regulations* Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," Subpart B, "Background Investigations and Access Control Program," requirements can be implemented by non-M&D service provider licensees if such licensees wish to have unescorted access to Category 1 or Category 2 quantities of radioactive material while providing services at client facilities.

CONTACTS: David Furst, OE/EB  
(301) 287-9087

Juan Peralta, OE/EB  
(301) 287-9510

The NRC will rescind the NRC-issued Orders through a formal written correspondence.

The applicable non-M&D service provider licensees listed in Enclosure 1 will receive the rescission letter and the previously-issued Orders listed in Enclosure 2 will be subject to the rescission.

DISTRIBUTION: RN-17-009, March 21, 2017

Chairman Svinicki Comm. Baran Comm. Burns SECY OCA OPA OIP	EDO DEDR DEDM OE OGC NRR OI OIG	OCFO OIS RES ACRS NRO NMSS NSIR OP Center	<u>Regional Offices</u> RI      RII RIII    RIV  <u>MAIL</u> ADAMS OE staff
--	--	--	---

DISTRIBUTION:

PHolahan, OE  
KLukes, NMSS  
SAtack, NMSS  
EN Binder  
OE R/F

**ADAMS Accession Number: ML17080A325**

<b>OFFICE</b>	OE:ES	OE:BC
<b>NAME</b>	DFurst	JPeralta
<b>DATE</b>	04/21/17	04/21/17

**OFFICIAL RECORD COPY**