

September 5, 2014

TO: Holders of Ohio Materials Licenses (Identified in Enclosure 1) That Received U.S. Nuclear Regulatory Commission Security Orders

SUBJECT: RESCISSION OF U.S. NUCLEAR REGULATORY COMMISSION'S ISSUED SECURITY ORDERS FOR COMPENSATORY MEASURES AND ADDITIONAL SECURITY MEASURES (IDENTIFIED IN ENCLOSURE 2)

The U.S. Nuclear Regulatory Commission (NRC) previously issued security orders under NRC's common defense and security authority to certain types of materials licensees. These orders were instituted to address the security of Category 1 and Category 2 quantities of radioactive materials until compatible security regulations could be established. On March 19, 2013, the NRC published Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." This final rule and compatible Agreement State regulations or other legally binding requirements establish security requirements for licensees possessing Category 1 and Category 2 quantities of radioactive material.

Ohio Agreement State licensees that received a NRC security order are required to comply with the order until the State issues regulations or legally binding requirements that are adequate and compatible with 10 CFR Part 37, and those requirements become effective. The NRC has determined that Ohio has established final regulations that are adequate and compatible with 10 CFR Part 37. These final regulations become effective for Ohio licensees on October 1, 2014. Accordingly, effective October 1, 2014, the NRC is concurrently rescinding the NRC-issued orders through this formal written correspondence for the following types of orders issued:

- Panoramic and Underwater Irradiators: These orders, for certain panoramic and underwater irradiator licensees that are authorized to possess more than 370 TBq (10,000 Ci) of radioactive material, require the implementation of compensatory measures and the protection of the licensee's physical protection information as Safeguards Information - Modified Handling (SGI-M).
- Manufacturers and Distributors (M&Ds): These orders, for certain manufacturing and distribution (M&D) licensees, require the implementation of additional security measures and the protection of the licensee's physical protection information as SGI-M.
- Licensees Transporting Radioactive Materials in Quantities of Concern (RAMQC): These orders require the implementation of additional security measures and the protection of the licensee's transportation security planning as SGI-M.
- Fingerprinting (separate orders issued for each group above): These orders were issued separately for: (1) access to and protection of safeguards information (SGI) and SGI-M for

those licensees that received security orders or possessed information that required protection; and (2) for unescorted access to radioactive material in quantities of concern.

The security orders described above are available on the NRC's public Web site at <http://www.nrc.gov/security/byproduct/orders.html>. Specific sections of the security orders for Panoramic and Underwater Irradiators, M&Ds, and RAMQC, that contain sensitive information or SGI-M, are not publicly available. The specific orders being rescinded are identified in Enclosure 2 to this letter.

Licensees identified in Enclosure 1 that are in possession of NRC-issued orders and order-related documents that are designated as SGI or SGI-M, should ensure that all copies of those documents that contain SGI or SGI-M are destroyed by October 31, 2014, in accordance with the requirements for the protection of certain safeguards information found in 10 CFR §§73.22(i) and 73.23(i). The NRC should be notified in writing, under oath or affirmation, when these documents have been destroyed. These notifications should be mailed by November 26, 2014, to the following address, per 10 CFR §§37.7(a) and 37.7(b): ATTN: Document Control Desk, Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Documents submitted to the NRC under oath or affirmation may be satisfied by using a notary public to authenticate oaths or affirmations and to certify that the information provided is correct and true. An alternate method for complying with the oath or affirmation requirement is presented in an NRC Regulatory Issue Summary (RIS) entitled "Requirements for Oath or Affirmation" (RIS-01-018, August 22, 2001), and available at the NRC's public Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2001/ri01018.html>. This method allows use of the following unsworn declaration to satisfy the oath or affirmation requirement:

"I declare [or certify, verify, state] under penalty of perjury that the foregoing is true and correct. Executed on [date] [Signature]."

If you have specific questions or concerns regarding the rescission of NRC's security orders, you may contact Ms. Michelle Killian at (301) 415-6711 or Michelle.Killian@nrc.gov.

Sincerely,

/RA/

Brian E. Holian, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. List of Applicable Ohio Materials Licensees
2. Table of Specific Orders for Rescission

- those licensees that received security orders or possessed information that required protection; and (2) for unescorted access to radioactive material in quantities of concern.

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Brian E. Holian, Acting Director
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DISTRIBUTION:

Mike Snee, Ohio Department of Health
MSSA r/f

ML14199A040

OFFICE	FSME/MSSA	FSME/MSSA	FSME/MSSA	FSME/MSSA
NAME	MKillian	AGiantelli	JKatanic	LDudes
DATE	7/30/2014	7/30/2014	8/6/2014	8/ /2014
OFFICE	OGC - NLO	FSME(TechEd)	OE	FSME
NAME	ACoggins via e-mail	PTressler for CPoland	PHolahan via e-mail	BHolian
DATE	8/20/2014	8/22/2014	8/28/2014	9/2/14

Applicable Ohio Materials Licenses

License No.: NR-12345-67
Docket No.: 030-12345
John Doe Company, Inc.
123 Brick Road
Any City, ST 01234

Will appear as above when mailed out. There will be a master list for internal purposes.

Specific Orders Identified for Rescission for Ohio Licensees, Effective October 1, 2014			
Fingerprinting – Access to Materials			
Issuance Date	Order No.	Title/Description	Recipients
10/17/2006	EA 06-248	Fingerprinting for access to materials	Irradiator Order Recipients
10/17/2006	EA 06-250	Fingerprinting for access to materials	M&D Order Recipients
Fingerprinting – Access to and Protection of Safeguards Information (SGI)			
Issuance Date	Order No.	Title/Description	Recipients
08/21/2006	EA 06-155	Order Imposing Fingerprinting Requirements for Access to SGI	Irradiator, M&D, or RAMQC Recipients
10/04/2006	EA 06-242		
Irradiator Order			
Issuance Date	Order No.	Title/Description	Recipients
06/06/2003	EA 02-249	Order Imposing Compensatory Measures for Panoramic and Underwater Irradiators Authorized to Possess Greater than 370 TeraBecquerels (10,000 Curies) of Byproduct Material in the Form of Sealed Sources	Licensees with Panoramic and Underwater Irradiators that are authorized to possess greater than 370 TBq (10,000 Ci) of radioactive material
M&D Order			
01/12/2004	EA 03-225	Order Issuing Additional Security Measures to Licensees Authorized To Manufacture or Initially Transfer Items Containing Radioactive Material for Sale or Distribution and Possess Certain Radioactive Material of Concern *(includes Fingerprinting for Access	Licensees authorized to manufacture or initially transfer items containing radioactive material for sale or distribution
05/22/2007	EA 07-019*		

		to Materials Requirements)	
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