

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1113; License No. SNM-1097]

Global Nuclear Fuel—Americas, LLC, Wilmington, NC; Order Modifying License (Effective Immediately)

I

Global Nuclear Fuel—Americas, LLC (Global Nuclear) is the holder of Special Nuclear Material License No. SNM 1097 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 70. Global Nuclear is authorized by their license to receive, possess, and transfer special nuclear material in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR Part 70. The Global Nuclear license, originally issued in January 1969, was last renewed in June 1997, and due to expire in June 2007.

II

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has been conducting a comprehensive review of its safeguards and security programs and requirements.

As a result of its consideration of current safeguards and security plan requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain compensatory measures are required to be implemented by Global Nuclear as prudent, interim measures to address the current threat environment. Therefore, the Commission is imposing interim requirements, set forth in Attachment 1¹ of this Order, which supplement existing regulatory requirements, to provide the Commission with reasonable assurance that the public health and safety and

common defense and security continue to be adequately protected in the current threat environment. These requirements will remain in effect until the Commission determines otherwise.

The Commission recognizes that some of the requirements set forth in Attachment 1² to this Order may already have been initiated by Global Nuclear in response to previously-issued advisories, or on its own. It is also recognized that some measures may need to be tailored to specifically accommodate the specific circumstances and characteristics existing at Global Nuclear's facility to achieve the intended objectives and avoid any unforeseen effect on safe operation.

Although Global Nuclear's response to the Safeguards and Threat Advisories has been adequate to provide reasonable assurance of adequate protection of public health and safety, in light of the current threat environment, the Commission concludes that the security measures must be embodied in an Order, consistent with the established regulatory framework. In order to provide assurance that Global Nuclear is implementing prudent measures to achieve an adequate level of protection to address the current threat environment, Materials License SNM-1097 shall be modified to include the requirements identified in Attachment 1 to this Order. In addition, pursuant to 10 CFR 2.202 and 70.81, I find that, in the circumstances described above, the public health, safety and interest and the common defense and security require that this Order be immediately effective.

III

Accordingly, pursuant to Sections 53, 63, 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 70, *it is hereby ordered, effective immediately, that material license SNM-1097 is modified as follows:*

A. Global Nuclear shall, notwithstanding the provisions of any Commission regulation to the contrary, comply with the requirements described in Attachment 1 to this Order. Global Nuclear shall immediately start implementation of the requirements in Attachment 1 to the Order and shall complete implementation, unless

² To the extent that specific measures identified in Attachment 1 to this Order require actions pertaining to Global Nuclear's possession and use of chemicals, such actions are being directed on the basis of the potential impact of such chemicals on radioactive materials and activities subject to NRC regulation.

otherwise specified in Attachment 1 to this order, *no later than August 15, 2003.*

B. 1. Global Nuclear shall, *within twenty (20) days* of the date of this Order, notify the Commission, (1) if it is unable to comply with any of the requirements described in Attachment 1, (2) if compliance with any of the requirements is unnecessary in its specific circumstances, or (3) if implementation of any of the requirements would cause Global Nuclear to be in violation of the provisions of any Commission regulation or its license. The notification shall provide Global Nuclear's justification for seeking relief from or variation of any specific requirement.

2. If Global Nuclear considers that implementation of any of the requirements described in Attachment 1 to this Order would adversely impact safe operation of its facility, Global Nuclear must notify the Commission, *within twenty (20) days* of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment 1 requirement in question, or a schedule for modifying the facilities to address the adverse safety condition. If neither approach is appropriate, Global Nuclear must supplement its response to Condition B1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B1.

C. 1. Global Nuclear shall, *within twenty (20) days* of the date of this Order, submit to the Commission, a schedule for achieving compliance with each requirement described in Attachment 1.

2. Global Nuclear shall report to the Commission when it has achieved full compliance with the requirements described in Attachment 1.

D. Notwithstanding any provision of the Commission's regulations to the contrary, all measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise.

Global Nuclear's responses to Conditions B.1, B.2, C.1, and C.2, above shall be submitted in accordance with 10 CFR § 70.5. In addition, Global Nuclear's submittals that contain safeguards information shall be properly marked and handled in accordance with 10 CFR § 73.21.

The Director, Office of Nuclear Material Safety and Safeguards, may, in writing, relax or rescind any of the

¹ Attachment 1 contains safeguards information and will not be released to the public.