

July 17, 2006

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis A. Reyes */RA/*
Executive Director for Operations

SUBJECT: PROPOSED CHANGES TO THE SECTOR SPECIFIC PLAN OF THE
NATIONAL INFRASTRUCTURE PROTECTION PLAN REGARDING
THREAT ASSESSMENT

The purpose of this memorandum is to solicit Commission direction regarding alternative language proposed by the industry for insertion into the Sector Specific Plan (SSP). The proposed insertion relates to the roles of the U.S. Nuclear Regulatory Commission (NRC), Department Homeland Security (DHS), and the industry in assessing the threat environment and proposing changes to the NRC's design basis threat (DBT). Following the July 12, 2006, joint Government Coordinating Council - Nuclear Sector Coordinating Council meeting presentation by Nuclear Energy Institute (NEI), on July 13, 2006, the industry provided two alternatives (Enclosure 1). After reviewing the industry proposals, the staff was concerned about the independent DHS actions in Option 1 Alpha and was more aligned with Option 2. However, the staff developed a third alternative (Enclosure 2) to clarify the purpose of the various interactions in the process and to clarify that the ultimate decision on inclusion of adversary characteristics in the DBT rests with the Commission. The staff recommends Option 3. SSP Section 5, "Develop and Implement Protective Programs," in which this text would be inserted, is provided for context (Enclosure 3).

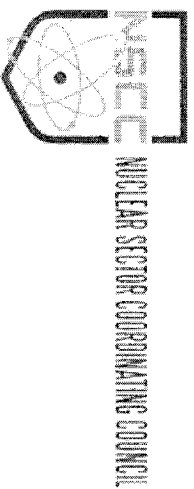
DHS plans to issue the draft SSP for stakeholder comments on Thursday, July 20, 2006. To provide time for DHS to incorporate the NRC's input, the staff requests Commission direction by close of business on Tuesday, July 18, 2006. By providing DHS with the Commission's recommendation in advance of the draft being circulated, stakeholders will be informed regarding the NRC's recommendation, as they review the draft SSP.

SECY, please track.

Enclosure: As stated (3)

cc: SECY
OGC
OCA
OPA
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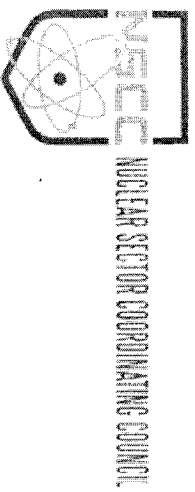
CONTACT: John Tomlinson, NSIR/OD
(301) 415-0262



NSSP DBT Language

Option 1 Alpha

- Given the impact of the DBT elements and characteristics on the security posture and protective measures of commercial nuclear power plants, and recognizing that the DBT represents characteristics along the spectrum of threats the NRC will consult with DHS prior to proposing any changes to the DBT. DHS will independently or jointly with the NRC seek the views of the plant owner/operators and other Sector Security Partners regarding the proposed changes including impacts on their resource requirements. DHS will also review the proposed changes for consistency with the National Infrastructure Protection Plan approach to risk management as assessed in the RAMCAP and CR process and provide recommendations to the NRC, as the NRC considers appropriate regulatory action related to any changes to the DBT.



NSSP DBT Language – Option 2

- Given the impact of the DBT elements and characteristics on the security posture and level of protection of commercial nuclear power plants, the NRC will consult with DHS, as well as the Intelligence and Law Enforcement Communities, as part of its consideration of proposed changes to the DBT. NRC will also seek the views of the plant owner/operators and Sector Security Partners regarding the impacts of the proposed changes. DHS will also review the proposed changes for consistency with the National Infrastructure Protection Plan approach to risk management and provide feedback to the NRC. The NRC Commission will consider all of the above as part of its decision-making process.

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NSIR STAFF PROPOSED LANGUAGE AS OPTION 3

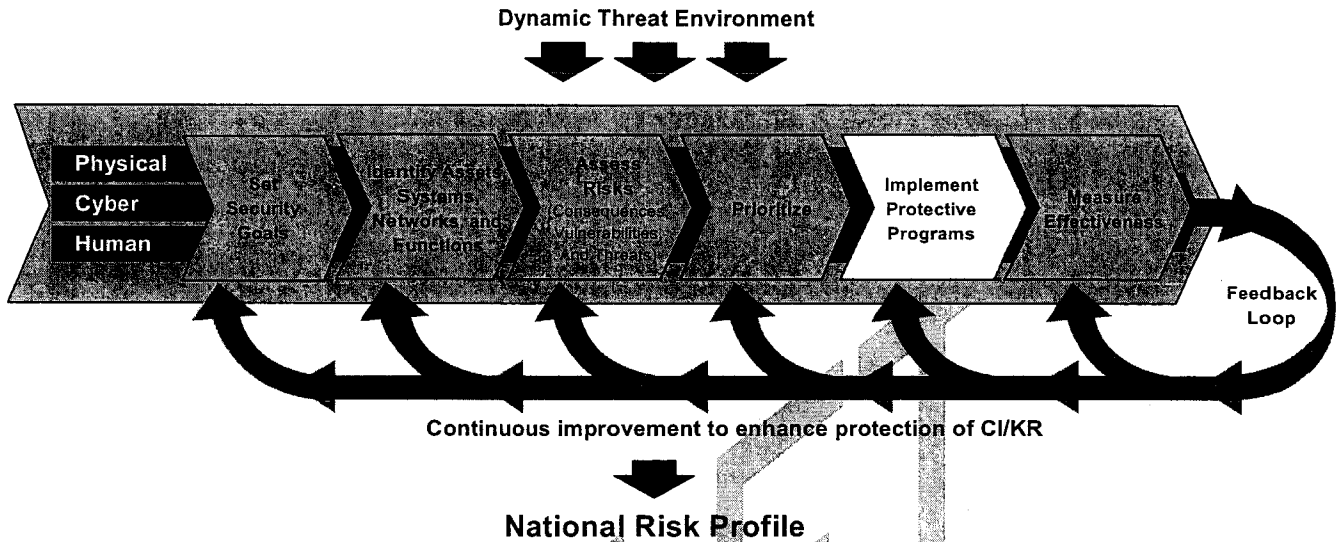
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Given that the DBT should continue to be based on an assessment of the best available intelligence information, the NRC will maintain its collaboration with the Intelligence and law enforcement communities, including DHS, regarding its assessment of the threat environment as part of the DBT development process. In addition, recognizing that the DBT characteristics form the basis for the design of the protective strategies for commercial nuclear power plants and Category I fuel cycle facilities, in developing proposed changes to the DBT the NRC will continue to seek the views of the plant owner/operators and Sector Security Partners regarding the impacts of the proposed changes. DHS will review the proposed changes for consistency with the National Infrastructure Protection Plan approach to risk management and provide feedback to the NRC. The NRC Commission will consider all of these inputs as part of its decision-making process.

Enclosure 2

1 **5 Develop and Implement Protective Programs**

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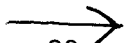


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National Risk Profile

4 The minimum required security posture for commercial nuclear power plants and Category I
 5 SNM that is the responsibility of the owner/operator is defined by NRC regulation, based upon
 6 the DBT. The DBT elements and characteristics represent the largest spectrum of threats
 7 against which private sector facilities must be able to defend with high assurance. The DBT
 8 elements and characteristics form the design basis for physical security, defensive strategies,
 9 and guard force size and capabilities. The NRC rigorously inspects and tests the ability of these
 10 facilities to meet the DBT through inspection, force on force exercises and other means. This
 11 ensures that these facilities are demonstrably prepared to defend themselves. Any additional
 12 protective measures to defend against threats beyond the DBT are the responsibility of the
 13 Federal government in coordination with State and local governments, as well as
 14 owner/operators working together in a cooperative and collaborative manner.

15 The nuclear industry, the NRC, and DHS recognize this delineation of private and public
 16 responsibility. DHS reviews all threats including those that affect nuclear power plants and is
 17 responsible for establishing appropriate responses to those threats. Through the performance
 18 of CRs at commercial nuclear power plants and other CI/KR, DHS is identifying additional
 19 measures that will enhance the protection of CI/KR against a broad spectrum of threats.



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20 For more than 25 years, NRC regulations have required rigorous security programs at certain
 21 nuclear facilities. Licensees have implemented these programs such that nuclear facilities are
 22 among the best-defended and most hardened commercial facilities in the Nation. Following the
 23 attacks on September 11, 2001, NRC required security enhancements. The security
 24 enhancements include measures to provide additional protection against vehicle bombs, as well
 25 as water and land-based assaults. The NRC also required nuclear facility licensees to assess
 26 the potential impact of a terrorist-initiated event on site emergency plans. Additionally, the
 27 NRC's emergency preparedness experts routinely observe security exercises to assess and

1 improve the interface between security plans and emergency plans. The NRC has substantially
2 increased coordination with Federal, State, and local agencies.

3 A protective program is a coordinated plan of action to prevent, deter, and mitigate terrorist
4 attacks on critical assets, and to respond to and recover from such acts as quickly and
5 effectively as possible. With cooperation from the public and private sector partners, DHS
6 serves as the national focal point for the development, implementation, and coordination of
7 protective programs, including cyber security efforts, for those assets that are considered critical
8 on the national scale.

9 Nuclear power plants in the United States are owned and operated by a variety of entities. For
10 decades, these facilities have been licensed and regulated by the NRC. The NRC has the
11 responsibility for protecting public health and safety, the environment, and the common defense
12 and security from the effects of radiation from commercial nuclear reactors, materials, and
13 waste facilities. To accomplish this goal, the NRC established a regulatory program containing
14 requirements that must be implemented by licensees at nuclear power plants to protect the
15 spent fuel and the power plant against radiological sabotage.

16 Commercial nuclear power plants have security measures in place to defend against a broad
17 spectrum of potential terrorist threats, which are designed to prevent the release of radioactive
18 material into the environment. The many layers of protection offered by robust plant design
19 features, sophisticated surveillance equipment, physical security protective features,
20 professional security forces, and access authorization requirements provide an effective
21 deterrent against potential problems related to terrorist activities that could target equipment
22 vital to nuclear safety. Were a terrorist attack to inflict damage on a nuclear plant, the
23 redundant design features and the high level of training would likely result in actions taken by
24 the plant staff to prevent or minimize the release of radioactive material. The emergency
25 response plans would also provide for protective actions for the surrounding population were a
26 release to occur.

27 The NRC has a continuing inspection program to review the security program at each nuclear
28 plant to ensure safety, security, and continued compliance with NRC regulations. The NRC also
29 has a regulatory program containing requirements for the physical protection of licensed
30 materials at fuel cycle facilities and stored spent fuel at ISFSIs. Transportation of spent nuclear
31 fuel and other high-activity shipments is protected using a variety of security measures.

32 As part of the national effort to protect CI/KR, DHS/RMD assists State and local authorities, and
33 private industry, in developing BZPPs. The purpose of a BZPP, and protective measures
34 planning in general, is to develop effective preventive measures that make it more difficult for
35 terrorists to conduct surveillance or launch attacks from the immediate vicinity of CI/KR targets.
36 In the case of a nuclear power plant, the BZPP concept defines a buffer zone outside of the
37 facility's owner-controlled area. DHS contributes to the security measures in this sector through
38 the application of the BZPP to augment security provided by plant operators. This plan engages
39 local law enforcement agencies (LLEAs) to provide an additional layer of planned protection for
40 facilities in this sector.

41 **5.1 Overview of Sector Protective Programs**

42 The Nuclear Sector plans to reduce risk by implementing protective programs. All previous risk
43 management steps, including identifying assets, systems, networks, and functions, assessing