



OFFICE OF THE COMMISSIONER

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

*o/p Attachment
OK to release per
our discussion
re: H. Ryan.
3.4.2
cc: Andy Bates*

December 7, 2001

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner McGaffigan
Commissioner Merrifield

FROM: Nils J. Diaz *[Signature]*

SUBJECT: PHYSICAL SECURITY MEASURES

I believe that the agency is converging on what additional security measures should be established for the regulated nuclear facilities infrastructure. For three months, the Chairman and the staff have carried most of the burden from September 11, and have successfully maintained the level of protection and government coordination required for assurance of adequate protection. I thank the Chairman and the staff for their untiring efforts.

The scoping paper provided by the staff in SECY-01-0215 addresses a myriad of issues requiring time for deliberations. Since near-term direction from the Commission is necessary on several of these issues, I recommend that the Commission, building upon the efforts of the Chairman and the staff, take the two actions detailed below to address the need for promptly establishing interim sets of compensatory measures, as identified in SECY-01-0215, and to better establish the framework for long-term physical security requirements. These recommendations do not rely on any of the proposed actions or activities involving the Office of Homeland Security (OHS) or other Federal, State, and local entities.

Action 1. Establish Sets of Interim Compensatory Measures for Physical Security by Licensees In a High Level Threat Environment

The staff, as directed by the Chairman, has proposed prudent and practical interim compensatory measures for the period of a high level threat environment. I believe these could be required by the NRC with implementation initiated almost immediately by the most prepared sectors, i.e., nuclear power plants and fuel facilities, and soon after by other licensees, **prior to redefining the threat.** Because we have not determined the entire set of parameters needed for more

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long-term decision-making, I recommend we strip the specific details of the type of threat and use only the compensatory measures as action items. In Attachment 1, I have shown how I believe this could be done using the two examples (with some minor modifications) provided by the staff.

The staff should, consistent with the General Basis Criteria shown in Attachment 1, and commensurate with the level of radiological risks of the sectors, develop sets for the other sectors requiring compensatory measures, if any. In an expedited manner, the staff should discuss the feasibility and value of these interim compensatory measures with appropriate representatives of licensees using the necessary controls.

Action 2. Conduct a New Assessment of the Design Basis Threat - Adversary Force Levels Versus Plant Response Force Levels

I recommend that a new, more realistic assessment of the "Design Basis Threat - Adversary Force Levels Versus Plant Response Force Levels" be conducted, that is independent from previous studies. It should be a fresh-look approach to the security requirements, with due consideration of Al-Qaeda capabilities. The study should be commissioned to an entity or entities in the Federal Government, with expertise in defending the national critical infrastructure, and should include the following considerations:

- 1) contract specifications should be written by high level, qualified NRC staff that are fully independent of the OSREs and previous studies
- 2) contract specifications should be comprehensive but realistic
- 3) contractor should have no special access to OSRE-type information, to the OSRE's contractor or to NRC staff involved in OSREs
- 4) contractor can use any non-classified means to obtain information about NPP characteristics and physical protection
- 5) contractor can use information that could be provided by one "insider" that is either technically competent in vital areas or competent in physical security, but not both.

An additional and separate contract should evaluate the likelihood that Al-Qaeda or other similar terrorists organizations would target NRC licensed nuclear facilities for attack. The results of these studies should be used for evaluating the appropriateness of compensatory measures and providing input for the long-term review referred to in SECY-01-0215.

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I recommend the Commission resolve Action 1 prior to December 17, 2001, to coincide with the Chairman's participation at the next OHS meeting. The staff should propose to the Commission a path for urgent resolution of Action 2, in a manner consistent with the predicted unveiling of the long-term plan by OHS in the spring.

SECY please track.

cc: EDO
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