

December 24, 2002

Mr. Edwin Lyman, President  
Nuclear Control Institute  
1000 Connecticut Avenue, N.W.  
Suite 410  
Washington, D.C. 20036

Dear Mr. Lyman:

I appreciate the telephone call on September 24, 2002, in which we verbally responded to your email questions. I do apologize that it has taken this long to respond in writing to your e-mail. As you know we have been extremely busy preparing the Division for its challenging workload in the coming year. This effort includes a major reorganization of the Division, budget preparations, and the filling of personnel vacancies. Nonetheless, the enclosure to this letter provides a detailed response to your questions, if appropriate. I hope this satisfies your concerns. I look forward to speaking with you again in the future.

Sincerely,  
*/RA by*  
**Joseph J. Holonich Acting for**  
Glenn M. Tracy, Director  
Division of Nuclear Security  
Office of Nuclear Security  
and Incident Response

Enclosure: Questions and Answer  
Response

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## **Questions Provided by Ed Lyman to Glenn Tracy via email, and NRC answers**

*Question 1:* Does “yellow,” the current threat level, correspond to what NRC formerly considered the “highest level of security” or something else? Is the level of security today less than it was in June?

*Answer:*

The current Yellow threat level is at least as high as our previous “highest level of security.” The security level has not been reduced from where it was in June.

*Question 2:*

If the “color” changes from yellow to orange or to red, will licensees be required to provide additional resources compared to the status quo (that is, Part 73 + ICMs), or will the additional resources have to come from elsewhere?

*Answer:*

Licensees will be informed to increase the level of security as the color changes from Yellow to Orange to Red with additional resources to be supplied from the licensee, local, State and Federal resources.

*Question 3:*

If we have been at yellow for most of the year and security has been augmented with local, State and in some cases Federal resources, how can you justify redefining yellow so that such augmentation is not required?

*Answer:*

The NRC revised its threat advisory system to be consistent with that of the Office of Homeland Security (OHS). On August 19, 2002, the NRC published its new threat advisory system which has five levels similar to that of OHS for certain categories of licensees including nuclear power reactors. The new Yellow is in the middle of the threat range and is the third most severe level. Details of specific expectations of licensee actions are sensitive controlled information.

*Question 4:*

When a new DBT is issued, what color will be associated with the level of protection needed to defend against it? Yellow? Green? If it is the former, then if the threat level is reduced from yellow, will you permit a relaxation of security below that necessary to defend against the DBT? If the latter, will the DBT ultimately change at all?

*Answer*

The new DBT will be applicable at all threat levels. Security will not be relaxed below what is necessary to defend against the DBT.

*ENCLOSURE*

*Question 5:*

Jeff Benjamin of Exelon said they have their own "threat assessment" system to determine whether or not a threat is credible. Is this an appropriate function for a licensee? Does this mean that Exelon has been making its own judgements on questions that should be the sole domain of intelligence and law enforcement?

*Answer:*

The NRC determines the threat level to which licensees must protect their facilities. Decisions about whether or not a specific situation represents a credible threat to a facility will be made on a case-by-case basis. However, licensees are not precluded from including credible threat criteria in their procedures to help guide their initial decisions and actions.

*Question 6:*

Does the industry have any role in the NRC DBT revision process?

*Answer:*

As a stakeholder, the industry has some limited involvement in the DBT revision process as do other stakeholders; but the final determination is the responsibility of the NRC. The industry will have an opportunity to discuss the impact of the DBT on its operations. The industry will also participate in subsequent vulnerability assessments.

*Question 7:*

When OSREs are resumed, is an integrated response evaluation process needed, meaning a return to the Part 100 proposals of the past?

*Answer:*

Part 100 limits were not used as evaluation criteria for past OSREs. OSREs currently use the loss of a complete target set which leads to core damage as evaluation criteria.

*Question 8:*

Did every licensee respond appropriately to the August 31 deadline for ICM implementation?

*Answer:*

Yes, however, responses are being assessed as NRC inspections proceed.

*Question 9:*

How long will it take NRC to verify that ICMs have been correctly implemented at all plants?

*Answer:*

Initial validation will be complete by the end of calendar year 2002, with all sites receiving a more in depth inspection during calendar year 2003.

*Question 10:*

How many plants fulfilled some of the ICM requirements by referencing NEI's July 24 Revision 1 of its guidelines for responding to ICMs?

*Answer:*

We expect the plants to use the NRC-endorsed guidance or a comparable alternative, since it is an acceptable means of conforming to the Order requirements..

*Question 11:*

How was NRC able to approve the NEI Revision 1 in less than two days?

*Answer:*

Discussions related to NEI Revision 1 took place over a period of several months and only a few final changes were involved during the time period to which you referred.

*Question 12:*

Does NEI's Revision 1 involve moving the goal posts to help licensees fulfill some of the ICMs, especially B.2.a (1), B.2.a. (2), and B.2.b more cheaply and easily?

*Answer:*

NEI's Revision 1 provided clarification of certain issues, including certain issues identified by the NRC.

*Question 13:*

Are you going to issue ICMs for research reactors? When?

*Answer:*

The ICM's for research reactors greater than or equal to 2 megawatts were issued on 10/28/02 and the ICM's for research reactors less than 2 megawatts are currently under review by the Commission.

*Question 14:*

Have you considered recommending KI distribution in the vicinity of some of the higher power RTRs?

*Answer:*

Radiological releases from RTRs are not expected to exceed Federal limits for KI use/recommendation. Nevertheless, the distribution of KI is determined by State governments.

*Question 15:*

Why are temporary access authorizations still being issued?

*Answer:*

The staff will be taking action to eliminate temporary access authorizations in the beginning of CY 03. In the meantime, licensees were advised to limit the use of temporary access authorization and provide additional oversight when used.

*Question 16:*

Why can't TAA be eliminated?

*Answer:*

See previous question.

*Question 17:*

Is a 24 hour delay for getting a clearance still too great a burden for industry to bear?

*Answer:*

No. However, background investigations entail more investigative actions than simple criminal history verifications.