



January 19, 2005

SECRETARY

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-04-0222 - DECISION-MAKING  
FRAMEWORK FOR MATERIALS AND RESEARCH AND TEST  
REACTOR VULNERABILITY ASSESSMENTS

The Commission has approved as modified in the following paragraphs staff implementing the decision-making framework for materials and research and test reactor vulnerability assessments described in SECY-04-0222. The staff should report to the Commission the results of these vulnerability assessments by facility type and any associated recommendations.  
(EDO) (SECY Suspense: 9/19/2005)

The Commission specifically approves, as recommended by the staff, the use of prompt fatalities as the consequence analysis in the decision-making framework for this activity. Directions to the staff for consideration of additional consequences (such as land contamination or economic consequences) are provided in a later section of this SRM.

The Commission continues to support its earlier direction that Sandia National Laboratories' draft vulnerability assessments not be shared with industry and should not be released to anyone outside the agency. In addition, the staff should place a disclaimer in each report that indicates that the Commission does not support many of the assumptions and/or information contained in these reports and that the reports cannot be used independently to develop any conclusions regarding the security or protective measures for the facilities contained in the

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May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)  
Exemption number: 2, 5  
Nuclear Regulatory Commission review required before public release.  
Annette L. Vietti-Cook / SECY and W. Burnside / NSIR  
Name and organization of person making determination.  
Date of Determination January 19, 2005

report. The staff will document the disposition of all the scenarios from the Sandia assessments in a report for internal distribution only.

The staff provided several examples in SECY-04-0222 to demonstrate implementation of the decision-making framework. The Commission recognizes some subjective inputs were used to perform the analysis. In the examples provided, it appears that some of the subjective inputs were overly conservative. For example, the attractiveness category assigned in some of the examples appeared to be too high. Lowering the attractiveness category in the examples would have had no significant impact on the final results. However, such subjective inputs could have significant impacts on other analysis. This demonstrates that the staff will need to carefully evaluate the reasons why a specific analysis results in other than a green finding to ensure the final result is not driven by a single speculative decision.

The Commission has also approved the staff interacting with the Nuclear Energy Institute (NEI) and industry on the screening results. Limitations on these discussions are provided in the following paragraphs. Prior to these interactions, staff should keep the Commission informed of the results of the individual analysis through appropriate briefings of the Commission Technical Assistants.

As demonstrated in the examples presented in the decision-making framework, the staff process should screen out the very speculative actions in the Sandia report as well as other scenarios which are evaluated as of low significance (i.e., those collective actions which fall into the green area in the analysis). When discussing scenarios which result in a green finding with NEI and the licensees, the staff will only identify the concern that has been raised, state that the staff evaluated the concern (without specifying how the concern could occur), and the staff has concluded that no further actions are necessary to address this concern.

For issues which fall into the yellow and red categories, the staff will provide licensees with sufficient detail to allow appropriate discussions on the next course of action. The appropriate discussions should address the appropriateness of staff assumptions and analysis, potential solutions or mitigating measures to the identified concern, and operational and economic impacts of implementing the potential solutions. The staff will then make appropriate recommendations to the Commission for final approval.

The staff should not create site specific "voluntary actions" containing security measures for the licensee to consider but which are not required. Instead the staff could identify best practices on a generic basis rather than a plant specific basis and ensure that they are communicated as recommendations and not requirements. The best practice list or lists will be briefed to the Commissioner Technical assistants prior to issuance to the licensees.

The relaxation of any current security requirement will need strong justification and should not be based solely on the numerical results of the vulnerability assessment. The staff should not discuss the relaxation of the current requirements in existing orders with industry, without Commission approval. The staff should not communicate to the licensees that this specific vulnerability assessment, by itself, will provide justification for removing specific requirements imposed by Commission orders. This analysis may identify areas for consideration for

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relaxation of specific order requirements; but other considerations not factored into the analysis may prevail for maintaining existing requirements.

As a separate issue from the vulnerability assessments conducted under the decision making framework, the staff should not be independently developing criteria and standards for other consequences (such as land contamination and economic impacts) at this time. Rather, consistent with the U. S. Government programs for homeland protection and security, the staff should continue to support the separate vulnerability assessment reviews being conducted under the leadership of the Department of Homeland Security (DHS). These activities include the consideration of consequences other than prompt fatalities. The staff interactions in this area should focus on the establishment of methodologies that develop scenarios appropriately representing the relatively low risk posed by these materials and licensees. The methodology developed by DHS should be realistic and should recognize the differences in the potential consequences between NRC licensees and other major types of facilities. The staff should be actively engaged with DHS, so that NRC views will be considered. If, for some reason, the staff is not being invited to the important meetings, the Commission should be notified immediately. The staff should keep the Commission appropriately informed of progress of this activity and, at the appropriate time, make a recommendation to the Commission if the existing NRC consequence criteria or methodologies for future vulnerability assessments should be modified.

The implementation of these activities will require strong management oversight, particularly in the reprogramming of funds in order to minimize the impact on other activities. The staff should keep the Commission thoroughly informed of these various activities through appropriate informal interactions with the Commission Technical Assistants.

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CFO  
DOC  
OCA  
OIG  
OPA

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