

June 30, 2006

COMGBJ-06-0004

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Lyons

FROM: Gregory B. Jaczko /RA/

SUBJECT: POTENTIAL CLOSURE OF THE ISSUES SURROUNDING THE FEBRUARY 22, 2002, SECURITY ORDERS TO NUCLEAR POWER PLANTS

Background:

A February 2002 Commission Order required nuclear power plant licensees to develop specific guidance and strategies to withstand damage to or loss of large areas of the plants. This damage may be caused by a range of deliberate attacks that result in large fires and explosions. The mitigation strategies address both spent fuel pool and reactor core and containment cooling using existing or readily available resources (equipment and personnel).

In addition to the Orders, the Commission established Policy that licensees were to achieve a new level cognition of safety and security through a comprehensive understanding of the capabilities and limitations of the plants under normal, abnormal, and severe circumstances, and that, based on this improved understanding, licensees would take reasonable steps to strengthen their capabilities and reduce their limitations.

All of these efforts became known as the Phase 1, 2, and 3 efforts. Phase 1 focused on those mitigative strategies required by the February 25, 2002 Order, Section B.5.b and the February 25, 2005 implementation guidance document. Phase 2 evolved to be that which focused on mitigative strategies beyond the Order requirements to address spent fuel pool damage. Phase 3 evolved to be that which focused on mitigative strategies beyond Order requirements to address damage to the reactor and containment.

At this stage, the Commission has reviewed and approved the methodology the industry is using to meet the Phase 2 effort by approving related agency correspondence in a June 13, 2006 Staff Requirements Memorandum. On June 16, 2006, and June 27, 2006, the NRC received additional correspondence from Marvin S. Fertel, Senior Vice President and Chief Nuclear Officer for the Nuclear Energy Institute (NEI), which outlined the industry's proposed resolution to the remainder of this effort.

Action:

Consistent with its established process for resolving issues associated with this important nuclear power plant security program, the staff should be directed to thoroughly review the correspondence and provide a detailed analysis of the NEI proposal. The focus of the analysis should be on how the proposal offered by NEI meets the requirements and policy of the Commission, any areas where it may fall short of the Commission's expectations, and recommendations regarding any necessary changes to the proposal that will allow licensees to fully implement, complete, and close this effort in a manner acceptable to the NRC. The Office of General Counsel should participate in this review to assist in the determination of how consistent the proposal is with established Commission policy in this area.

SECY, please track.

cc: EDO
 OGC