

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

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U.S. Nuclear Regulatory Commission (NRC)

NRC Issues RIS re National Terrorism Advisory System

On June 1, 2018, the U.S. Nuclear Regulatory Commission (NRC) issued Regulatory Issue Summary (RIS) 2018-03 to provide information on the U.S. Department of Homeland Security's (DHS's) National Terrorism Advisory System (NTAS) to licensees who are authorized to possess Category 1 and 2 quantities of radioactive material.

Although RIS 2018-03 requires no action or written response on the part of any addressee, and it does not impose new regulatory requirements on NRC licensees, it provides information that addressees may wish to consider in the event that DHS issues an NTAS alert.

Overview

In the NTAS advisory system, an "Elevated Alert" threat level warns of a credible terrorist threat against the United States and its territories that is general in both timing and target, or the alert details significant trends and developments in terrorism such that it is reasonable to recommend the implementation of protective measures to thwart or mitigate an attack. An "Imminent Alert" warns of a credible, specific and impending terrorist threat against the United States and its territories and recommends the implementation of protective measures to thwart or mitigate an attack.

In RIS 2018-03, the NRC recommends that licensees in possession of Category 1 and 2 quantities of radioactive material as listed in Appendix A to 10 CFR Part 37 maintain awareness of the NTAS. The NRC further recommends that, following an NTAS alert, these licensees should consider the information found in the RIS enclosures.

NRC notes in RIS 2018-03 that licensees required to implement a physical security plan in accordance with paragraph (a) of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," are also required under 10 CFR 73.55(k)(10) to establish, maintain and implement a threat warning system. NRC advises that these licensees may wish to use the information in RIS 2018-03 to revise their existing threat warning system.

Background

On March 11, 2002, President George W. Bush signed Homeland Security Presidential Directive (HSPD)-3, creating the Homeland Security Advisory System (HSAS). The HSAS was a graduated, color-coded threat advisory system to alert government authorities at all levels, private-sector stakeholders and the general public about the risk of terrorist attacks. The HSAS consisted of five levels, ranging from the lowest threat level (Green) to the most severe (Red). Based on HSPD-3, the NRC issued a series of RISs to inform NRC licensees of the descriptions of the various threat advisory conditions and to inform NRC licensees about the preplanning of graded protective measures to respond to changes in the threat environment.

On January 26, 2011, President Barack Obama issued Presidential Policy Directive (PPD)-7, "National Terrorism Advisory System." PPD-7 reaffirmed the need for a strong, effective national-level advisory system and directed DHS to establish a new threat advisory system to replace the HSAS.

The NTAS has replaced the previous color-coded threat levels with a two-tiered advisory system designed to provide timely and relevant terrorist threat information to affected government, private-sector and public stakeholders, as appropriate and in accordance with classification levels. The NTAS's two threat levels are Elevated Alert and Imminent Alert.

In the changed threat environment after the attacks of September 11, 2001, the Commission determined that certain licensed material should be subject to enhanced security requirements, and that individuals with unescorted access to risk-significant quantities of certain radioactive material should be subject to background investigations. As part of the development of the enhanced security measures for this licensed material, the NRC performed threat and vulnerability assessments. The purpose of these assessments was to identify gaps or vulnerabilities in security and the effectiveness and costs of certain physical protection enhancements at various licensed facilities. The agency used the results of these assessments to develop enhanced security requirements that were issued to licensees via orders, using a graded approach based on the relative risk and quantity of material possessed by the licensee.

Generically applicable requirements are most effectively implemented through rulemaking rather than by orders. Therefore, the NRC developed a rule for enhanced security for Category 1 and 2 quantities of radioactive material. In developing this rule, the NRC considered, among other things, the various orders, lessons learned during implementation of the orders, recommendations of an independent external review panel and the Materials Program Working Group, and stakeholder comments received on the proposed rule and draft implementation guidance.

On December 8, 2011, NRC issued SECY-11-0170, "Final Rule: Physical Protection of Byproduct Material," in which the NRC staff requested Commission approval to publish a final rule in the *Federal Register* that would add a new 10 CFR Part 37. The final rule

established security requirements for the commercial use of Category 1 and 2 quantities of radioactive material and for the transportation of small quantities of irradiated fuel.

On March 16, 2012, NRC issued SRM-SECY-11-170, "Final Rule: Physical Protection of Byproduct Material, in which the Commission approved issuance of 10 CFR Part 37 to enhance the security measures for Category 1 and 2 quantities of radioactive material. On March 19, 2013, NRC published the final rule. (See 78 Federal Register 16,921). The new 10 CFR Part 37 established physical security requirements for the possession and use of Category 1 and 2 quantities of radioactive material that are listed in Appendix A to 10 CFR Part 37. NRC licensees were required to comply therewith by March 19, 2014.

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