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U.S. NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE  
WASHINGTON, DC 20555-0001

August 24, 2011

**NRC REGULATORY ISSUE SUMMARY 2002-12I,  
REVISION 2  
TRANSPORTATION OF SPENT NUCLEAR FUEL  
GREATER THAN 100 GRAMS  
NRC THREAT ADVISORY AND PROTECTIVE MEASURES SYSTEM**

**ADDRESSEES**

All U.S. Nuclear Regulatory Commission (NRC) specific power reactor licensees, research and test reactor licensees, independent spent fuel storage installation licensees, and special nuclear material licensees, who possess spent nuclear fuel; and general licensees under Title 10 of the *Code of Federal Regulations* 70.20a, "General License to Possess Special Nuclear Material for Transport," who transport spent nuclear fuel greater than 100 grams.

**INTENT**

The NRC previously issued guidance about the U.S. Department of Homeland Security's (DHS's) Homeland Security Advisory System (HSAS) to certain groups of NRC licensees in Regulatory Issue Summary (RIS) 2002-12I, "Transportation of Spent Nuclear Fuel Greater than 100 Grams— NRC Threat Advisory and Protective Measures System," Revision 1 dated October 3, 2002. The NRC is issuing this revised RIS to identify a change in the implementation of the HSAS as outlined in Homeland Security Presidential Directive (HSPD)-3, "Homeland Security Advisory System," dated March 11, 2002, and HSPD-5, "Management of Domestic Incidents," dated February 28, 2003, for the addressees above who received RIS 2002-12I, Revision 1. The change is required by Presidential Policy Directive (PPD)-7, "National Terrorism Advisory System (NTAS)," dated January 26, 2011 (Enclosure 1 (Agencywide Documents Access and Management System Accession No. ML11188A030)). This RIS will supersede RIS 2003-16, "NRC Threat Advisory and Protective Measures System," dated October 7, 2003; RIS 2005-12, "Transportation of Radioactive Material Quantities of Concern NRC Threat Advisory and Protective Measures System," dated July 11, 2005; and Information Notice 2009-08, "NRC Rapid Change Notification of Licensees Following a Physical Attack against a Facility," dated May 8, 2009. This RIS requires no action or written response on the part of any addressee.

<p><u>NOTICE:</u> Enclosure 2 to the RIS contains Security-Related Information. Upon separation from Enclosure 2, this RIS is DECONTROLLED.</p>
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**ML11189A106**

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## **BACKGROUND**

On March 11, 2002, then-President George W. Bush signed HSPD-3, creating the HSAS, which 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 regulatory issue summaries to inform NRC licensees of the descriptions of the various threat advisory conditions and to provide guidance to 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 PPD-7 which 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.”

An “Elevated Alert” warns of a credible terrorist threat against the United States and its territories that is general in both timing and target, or details significant trends and developments in terrorism such that it is reasonable to recommend 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 that is sufficiently specific and credible to recommend implementation of protective measures to thwart or mitigate an attack.

In the event that DHS issues an NTAS Alert, licensees should consider this RIS as notification by the Commission. Accordingly, the NRC recommends that licensees respond to the NTAS Alert in a manner consistent with the guidance enclosed with this RIS. The Commission may provide licensees with supplementary information, as warranted, when DHS issues changes to the national threat level.

## **BACKFIT DISCUSSION**

This RIS does not require any action or written response or any modification to plant structures, systems, components, or designs; therefore, the staff did not perform a backfit analysis.

**FEDERAL REGISTER NOTIFICATION**

A notice of opportunity for public comment was not published in the *Federal Register* because this RIS is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and practice.

**CONGRESSIONAL REVIEW ACT**

The NRC has determined that the RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. §§ 801–808) and, therefore, is not subject to the Act.

**PAPERWORK REDUCTION ACT STATEMENT**

This RIS references information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collection requirements were approved by the Office of Management and Budget (OMB), approval number 3150-0002.

**PUBLIC PROTECTION NOTIFICATION**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

## CONTACT

Please direct any questions about this matter to the technical contact listed below.

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### Enclosures:

1. PPD-7, "National Terrorism Advisory System (NTAS)"
2. Threat Conditions and Specific Actions for Transportation of Spent Nuclear Fuel Greater than 100 Grams (OUO-SRI)

Enclosure 2 will not be released to the public because it contains Official Use Only – Security-Related Information.

**Note:** NRC generic communications may be found on the NRC Public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

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