



~~SAFEGUARDS INFORMATION - MODIFIED HANDLING~~
UNITED STATES

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 19, 2005

EA-05-007

To: Holders of Licenses for Power and
Research and Test Reactors Authorized
to Possess and Transfer Items Containing
Radioactive Material Quantities of Concern
as listed in Attachment A to Enclosure 1

SUBJECT: ISSUANCE OF ORDER FOR ADDITIONAL SECURITY MEASURES ON THE
TRANSPORTATION OF RADIOACTIVE MATERIAL QUANTITIES OF
CONCERN

The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued the enclosed Order (Enclosure 1 with attachments) that modifies your license with respect to the transportation of radioactive material quantities of concern (RAMQC), to require compliance with the specified additional safeguards and security measures. This Order applies to all Addressees listed in Attachment A to the enclosed Order. The additional security measures (ASM) are listed as Attachment B to the enclosed Order, and contain Safeguards Information. Requirements in this Order supplement but do not replace existing regulations concerning transportation of radioactive material. Specifically, although this Order addresses notification requirements for certain shipments, the notification requirements of 10 CFR 71.97 are still applicable.

The Commission recognizes that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001. However, in light of the current threat environment, the Commission has concluded that these additional security measures should be embodied in an Order, consistent with the established regulatory framework, and requires the enclosed Order to be effective immediately.

Please be aware that the information provided at Enclosure 3 provides sensitive information and Enclosures 1 and 2 contain Safeguards Information and must be protected against unauthorized disclosure. This Order does not obviate the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. These requirements will remain in effect until the Commission determines otherwise.

WARNING: Violation of Section 147 of the Atomic Energy Act, "~~Safeguards Information~~" is subject to Civil and Criminal Penalties.

When separated from Attachment B of Enclosure 1, Attachment B of Enclosure 2, and Enclosure 3 this document is DECONTROLLED.

~~SAFEGUARDS INFORMATION - MODIFIED HANDLING~~

The enclosed Order requires that all licensees respond to the Order within twenty (20) days of receipt and implement the ASMs within a specified time frame. If a licensee plans to implement the ASMs, but not within one-hundred and eighty (180) days after issuance of the Order, the licensee should provide the NRC with an implementation schedule as part of their twenty (20) day notification or before one-hundred and eighty (180) days has elapsed.

If a licensee elects not to implement the ASMs because they are not applicable to that licensee's activities and notifies the NRC accordingly, but conditions change requiring the licensee to ship RAMQC, the licensee should inform the NRC ninety (90) days in advance of their first RAMQC shipment.

The NRC is also issuing Regulatory Issue Summary, "Transportation of Radioactive Material Quantities of Concern NRC Threat Advisory and Protective Measures System," (Enclosure 2 with attachments) to specific NRC licensees who are authorized to possess RAMQC and general licensees as described in 10 CFR Part 71 who are authorized to transport radioactive materials in these quantities. In addition, enclosed are the comments and responses from the stakeholder meetings the NRC conducted on the RAMQC Orders (Enclosure 3). The implementation guidance document will be provided under a separate cover.

Please contact Travis Tate (301-415-8474, ttt@nrc.gov), Rocky Foster (301-415-7670, rdf@nrc.gov), or Francis Young (301-415-3207, fiy@nrc.gov) to facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order. The enclosed Order (with non-public information removed) has been forwarded to the Office of the Federal Register for publication,

Sincerely,

A handwritten signature in cursive script, appearing to read "J. E. Dyer".

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosures: As stated

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CERTAIN LICENSEES AUTHORIZED TO
POSSESS AND TRANSFER ITEMS
CONTAINING RADIOACTIVE MATERIAL
QUANTITIES OF CONCERN

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EA-05-007

ORDER IMPOSING ADDITIONAL SECURITY MEASURES
(EFFECTIVE IMMEDIATELY).

I.

The Licensees identified in Attachment A to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) or an Agreement State, in accordance with the Atomic Energy Act of 1954, as amended, and 10 C.F.R. Parts 50, 70 and 71, or equivalent Agreement State regulations. The licenses authorize them to possess and transfer items containing radioactive material quantities of concern. This Order is being issued to all such Licensees who may transport radioactive material quantities of concern under the NRC's authority to protect the common defense and security, which has not been relinquished to the Agreement States. The Orders require compliance with specific additional security measures to enhance the security for transport of certain radioactive material quantities of concern.

Enclosure 1

II.

On September 11, 2001, terrorists simultaneously attacked targets in New York, N.Y., and Washington, D.C., utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to Licensees in order to strengthen Licensees' capabilities and readiness to respond to a potential attack on this regulated activity. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of the current security measures. In addition, the Commission commenced a comprehensive review of its safeguards and security programs and requirements.

As a result of its initial consideration of current safeguards and security requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain security measures are required to be implemented by Licensees as prudent, interim measures to address the current threat environment in a consistent manner. Therefore, the Commission ~~is~~ imposing requirements, as set forth in Attachment B¹ of this Order, on all Licensees identified in Attachment A of this Order. These additional security measures, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the common defense and security continue to be adequately protected in the current threat environment. These additional security measures will remain in effect until the Commission determines otherwise.

The Commission recognizes that Licensees may Have already initiated many of the measures set forth in Attachment B to this Order in response to previously issued Safeguards and Threat Advisories or on their own. It is also recognized that some measures may not be

¹ Attachment B contains Safeguards Information and **will** not be released to the public.

possible or necessary for all shipments of radioactive material quantities of concern, or may need to be tailored to accommodate the Licensees' specific circumstances to achieve the intended objectives and avoid any unforeseen effect on the safe transport of radioactive material quantities of concern.

Although the security measures implemented by Licensees in response to the Safeguards and Threat Advisories have been adequate to provide reasonable assurance of adequate protection of common defense and security, in light of the continuing threat environment, the Commission concludes that the security measures must be embodied in an Order, consistent with the established regulatory framework. The Commission has determined that the security measures contained in Attachment B of this Order contains Safeguards Information and will not be released to the public as per Order entitled, "Issuance of Order Imposing Requirements for Protecting Certain Safeguards Information," issued on November 5, 2004." To provide assurance that Licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, all licensees identified in Attachment A to this Order shall implement the requirements identified in Attachment B to this Order. In addition, pursuant to 10 C.F.R. § 2.202, I find that in light of the common defense and security matters identified above, which warrant the issuance of this Order, the public health and safety require that this Order be immediately effective,

III.

Accordingly, pursuant to Sections 53, 63, 81, 103, 104, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 C.F.R. § 2.202 and 10 C.F.R. Parts 50, 70 and 71, IT IS HEREBY ORDERED, EFFECTIVE

IMMEDIATELY, THAT ALL LICENSEES IDENTIFIED IN ATTACHMENT A TO THIS ORDER SHALL COMPLY WITH THE FOLLOWING:

- A. All Licensees shall, notwithstanding the provisions of any Commission or Agreement State regulation or license to the contrary, comply with the requirements described in Attachment B to this Order. The Licensees shall immediately start implementation of the requirements in Attachment B to the Order and shall complete implementation by January **17, 2006**, or before the licensee's next shipment after the 180 day implementation period of this Order. This Order supercedes the additional transportation security measures prescribed in the Manufacturer's and Distributor's Order issued January 12, 2004.
- B.
 - 1. All Licensees shall, within twenty **(20) days** of the date of this Order, notify the Commission, (1) if they are unable to comply with any of the requirements described in Attachment B, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, or (3) if implementation of any of the requirements would cause the Licensee to be in violation of the provisions of any Commission or Agreement State regulation or its license. The notification shall provide the Licensees' justification for seeking relief from or variation of any specific requirement.
 - 2. Any Licensee that considers that implementation of any of the requirements described in Attachment B to this Order would adversely impact the safe transport of radioactive material quantities of concern must notify the Commission, within twenty **(20) days** of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment B requirement in question, or a schedule for modifying the activity to

address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

- C. All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment B.
- D. Notwithstanding any provisions of the Commission's or an Agreement State's regulations to the contrary, all measures implemented or actions taken in response to this order shall be maintained until the Commission determines otherwise.

Licensee responses to Conditions B.1, B.2, and C above shall be submitted to the Document Control Desk, ATTN: Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. In addition, Licensee submittals that contain sensitive security related information shall be properly marked and handled in accordance with Licensees' Safeguards Information or Safeguards Information - Modified Handling program.

The Director, Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

IV.

In accordance with 10 C.F.R. § 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within twenty (20) **days** of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission,

Washington, DC 20555. and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement, to the Office of Enforcement at the same address, to the Regional Administrator for NRC Region I, II, III, or IV, at the respective addresses specified in Appendix A to 10 C.F.R. Part 73, appropriate for the specific facility, and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 C.F.R. § 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 C.F.R. § 2.202(c)(2)(i), the Licensee, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error,

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty **(20) days** from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. **AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.**

Dated this 19th day of July 2005

FOR THE NUCLEAR REGULATORY COMMISSION



J. E. Dyer, Director
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License Nos. DPR-70, DPR-75, & NPF-57
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Indian Point Nuclear Generating Station, Units 2 and 3
Docket Nos. 50-293, 50-271, 50-333, 50-247, & 50-286
License Nos. DPR-35, DPR-28, DPR-59, DPR-26, & DPR-64
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Docket Nos. 50-387 & 50-388
License Nos. NPF-14 & NPF-22
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North Anna Power Station, Units 1 and 2
Surry Power Station, Units 1 and 2
Docket Nos. 50-336, 50-423, 50-338, 50-339, & 50-280, & 50-281
License Nos. DPR-65, NPF-49, NPF-4, NPF-7, DPR-32, & DPR-37
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Docket Nos. 50-413 & 50-414
License Nos. NPF-35 & NPF-52
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Joseph M. Farley Nuclear Plant, Units 1 and 2
Docket Nos. 50-348 & 50-364
License Nos. NPF-2 & NPF-8
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Docket Nos. 50-321 & 50-366
License Nos. DPR-57 & NPF-5
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License Nos. NPF-9 & NPF-17
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Docket Nos. 50-269, 50-270, & 50-287
License Nos. DPR-38, DPR-47, & DPR-55
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License Nos. DPR-71 & DPR-62
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Docket No. 50-400
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Limerick Generating Station, Units 1 and 2
Peach Bottom Atomic Power Station, Units 2 and 3
Oyster Creek Nuclear Generating Station
Clinton Power Station
Three Mile Island Nuclear Station, Unit 1
Docket Nos. 50-456, 50-457, 50-454, 50-455, 50-237, 50-249, 50-373, 50-374, 50-254, 50-265,
50-352, 50-353, 50-277, 50-278, 50-219, 50-461, & 50-289
License Nos. NPF-72, NPF-77, NPF-37, NPF-66, DPR-19, DPR-25, NPF-11, NPF-18, DPR-29,
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~~SAFEGUARDS INFORMATION MODIFIED HANDLING~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555-0001

July 11, 2005

NRC REGULATORY ISSUE **SUMMARY 2005-12**
TRANSPORTATION **OF** RADIOACTIVE MATERIAL
QUANTITIES OF CONCERN
NRC THREAT **ADVISORY AND** PROTECTIVE MEASURES SYSTEM

ADDRESSEES

U.S. Nuclear Regulatory Commission (NRC or Commission) licensees authorized to possess radioactive material that equals or exceeds the threshold values in the Additional Security Measures (ASM) for transportation of Radioactive Material Quantities of Concern (RAMQC) under their 10 CFR Part 30, 32, 50, 70, and 71 licenses and Agreement State licensees similarly authorized to possess such material in such quantities under their Agreement State licenses.

INTENT

The NRC is issuing this Regulatory Issue Summary (RIS) to inform addressees of changes to the threat advisory conditions and protective measures system for their use in preplanning graded protective measures to respond to changes in the threat environment. A RIS is generally used to communicate with the nuclear industry on various matters for which no response or action is required. This RIS communicates actions that the NRC considers appropriate at each threat level. The Commission has determined that issuance of this RIS is the most efficient mechanism to align the Department of Homeland Security (DHS), the NRC, and licensee expectations about licensees' response to threat advisories.

When separated from Attachment B this document is
DECONTROLLED.

WARNING: Violations of Section 147 of
the Atomic Energy Act, "~~Safeguards~~
~~Information~~" is subject to Civil and
Criminal Penalties

~~SAFEGUARDS INFORMATION MODIFIED HANDLING~~

Enclosure 2

BACKGROUND INFORMATION

DHS has developed a Homeland Security Advisory System (HSAS) to provide a comprehensive and effective system for disseminating information concerning the risk of terrorist attacks to Federal, State, and local authorities and the public. The HSAS implements Homeland Security Presidential Directive 3, as amended (HSPD-3), dated March 11, 2002 (Attachment A). Additional information on HSPD-3 can also be found on the White House Web site at <http://www.whitehouse.gov/news/releases/2002/03/20020312-1.html>. The NRC previously issued RIS 2003-16 to identify a change in the HSPD-3, as amended (HSPD-3), dated March 11, 2002 to addressees who received RISs 2002-12A, -12B, -12C, -12D, -12E, -12F, -12G, -12H, -12I, -12J Revision 1, and -12L. The change was required by Homeland Security Presidential Directive (HSPD-5), "Management of Domestic Incidents," dated February 28, 2003. HSAS has included five color-coded threat conditions with a description of corresponding actions at each level:

- | | | |
|---|-----------------------------|--------------------------------------|
| • | Green (low condition) | Low risk of terrorist attack |
| a | Blue (guarded condition) | General risk of terrorist attack |
| a | Yellow (elevated condition) | Significant risk of terrorist attack |
| • | Orange (high condition) | High risk of terrorist attack |
| a | Red (severe condition) | Severe risk of terrorist attack |

SUMMARY OF ISSUE

The HSAS provides a consistent national framework for government officials and citizens to communicate the nature and extent of terrorist threats. The advisory system characterizes appropriate levels of vigilance, preparedness, and readiness for each threat condition, and describes associated actions that should be taken to counter and respond to terrorist activities.

In declaring threat conditions, the Secretary of Homeland Security in consultation with the Attorney General, members of the Homeland Security Council, and any other appropriate federal agency heads, will consider, but is not limited to, the following factors:

- To what degree is the threat information credible?
- To what degree is the threat information corroborated?
- To what degree is the threat specific and/or imminent?
- How grave are the potential consequences of the threat?
- To what degree is the target vulnerable to the threat?

HSAS advisories regarding threat conditions may be declared for the entire Nation, a specific geographical area or an industrial sector. The advisories will be sent to local, State, and Federal government agencies as appropriate. In general, the threat conditions escalate as the likelihood or imminence of an attack increases.

Although the threat condition will be determined by the Attorney General, the NRC is responsible under HSPD-3 to establish the appropriate protective measures for the facilities under its regulatory authority. In addition, the NRC is responsible for responding to risks, threats, incidents, and events at NRC licensed facilities or involving NRC licensed material.

Upon a declaration of an HSAS threat condition, the NRC will promptly notify affected licensees of the threat condition and the appropriate recommended protective measures to be taken. In addition, the NRC may notify affected licensees to establish certain protective measures in the absence of an HSAS declaration. For example, the NRC could take such a step in response to an emergency or site-specific situation.

The NRC is using this RIS to announce its threat advisory and protective measures system to implement the HSAS for licensees transporting RAMQC, and spent nuclear fuel less than 100 grams. The NRC will use the color-coded system defined by the HSAS to relay information on the threat conditions. The NRC has also defined five levels of protective measures (Attachment B containing Safeguards Information), which generally correlate with the five color-coded conditions of the HSAS. Protective measures at each level build upon the actions defined in the lower levels. For example, measures at Level III will include those measures taken at levels I and II.

- Level I (low) protective measures, which generally correspond to the green threat condition, are considered routine level of operation. The protective measures are met by licensees maintaining their security programs required by the regulations, licenses, or Orders. Measures to enhance security need to be available for implementation in the event of a higher threat condition.
- Level II (guarded) protective measures, which generally correspond to the blue threat condition, involve more activities by the licensees, but generally do not involve significant non-routine actions. The activities typically relate to readiness, (e.g., notifying personnel to stand by or bringing in additional security officers to prepare for an enhanced response). Actions taken at Level II include actions taken at Level I.
- Level III (elevated) protective measures, which generally correspond to the yellow threat condition, involve enhanced security measures and additional resources, perhaps on a sustained basis, but utilize hardware and personnel already at the licensee's disposal. The first HSAS announcement on March 12, 2002, DHS considered the country to be in a yellow threat condition. Actions taken at Level III will include actions taken at Levels I and II.
- Level IV (high) protective measures, which generally correspond to the orange threat condition, assume that the licensee's security organization is at its highest sustainable level and that the licensee will request augmentation from local and State and possibly Federal resources to provide additional defensive capabilities. NRC advisories will provide additional specific information to the licensee(s) as information about the threat develops. Any additional licensee actions will be based on threat specific information. Actions taken at Level IV include actions taken at Levels I, II, and III.
- Level V (severe) protective measures, which generally correspond to the red threat condition, assume that the licensee will request augmentation by Federal resources (in addition to already requested State and local resources) to provide additional defensive capabilities. The NRC will facilitate implementation of this added Federal presence. It is expected that this condition will be limited to one or a very small number of licensees for a limited period of time. Any additional specific actions will be based on an ongoing

assessment of the threat by the NRC and other Federal agencies. Actions taken at Level V will include actions taken at Levels I, II, III, and IV.

When a change in threat condition that affects NRC and Agreements States' licensees, the NRC will issue a threat advisory to its licensees. The NRC will refer licensees to the recommended protective measures described in Attachment B. Regardless of the current threat condition, licensees are required to comply with existing regulations, licenses, and Orders. Attachment B provides clear descriptions of the basic actions that are necessary to achieve the desired level of protection. The NRC may tailor the protective measures, including specific instructions on protection against a specific mode of attack.

In some cases, the circumstances of a particular threat may warrant that additional security measures be implemented beyond those provided in Attachment B. Such additional measures may be necessary depending on the type of licensee affected, the safeguards risks associated with various licensed activities, the specific vulnerabilities of a given activity, the suspected mode of attack, and the likelihood and nature of the threat. Although most terrorist attacks occur without specific warning, whenever possible the NRC will provide information about the nature and projected time frame of the threat.

The protective measures in Attachment B are specified for particular threat levels depending on the seriousness of the threat and the urgency of the action to address the threat. Therefore, it is imperative that prompt implementation of the measures are performed to protect the facility (or activities).

HSPD-3 makes clear that agency heads "retain the authority to respond, as necessary, to risks, threats, incidents, or events at facilities (or activities) within the specific jurisdiction of their department or agency." Therefore, the Commission may need to impose additional measures in response to a fast-moving situation during the transition period prior to formal declaration of a threat escalation by the Attorney General.

The NRC will revise Attachment B to this RIS as necessary. In addition, this RIS will be reviewed at least once a year and revised as necessary. Licensees seeking to provide input to the RIS and possible revisions should forward comments to the contact listed below.

BACKFIT DISCUSSION

This RIS requires no action or written response and is therefore not a backfit under 10 CFR Part 50.109, 70.76, and 76.76. This RIS communicates actions the NRC considers appropriate at each threat level, but these actions are not requirements. 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. The Commission also plans to issue additional regulatory issue summaries in this series to cover additional classes of licensees, or NRC-licensed activities, as NRC's review progresses. Any specific comments should be forwarded to the contact listed below.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT of 1996

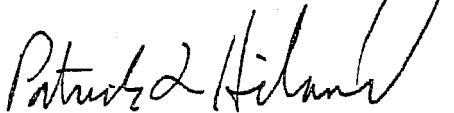
In accordance with the Small Business Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.).

CONTACT

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



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- Attachments:
- (A) HSPD-3, Homeland Security Advisory System, as amended by HSPD-5
 - (B) Threat Conditions and Recommended Actions for the Transportation of Radioactive Material Quantities of Concern, and Spent Nuclear Fuel Less Than 100 grams
 - (C) List of Recently Issued NMSS Generic Communications

Attachment B will not be released to the public because it contains Safeguards Information and must be accorded the protection required under 10 CFR 73.21

Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.

Homeland Security Presidential Directive-3, as amended by Homeland Security Presidential Directive-5

Purpose

The Nation requires a Homeland Security Advisory System to provide a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to Federal, State, and local authorities and to the American people. Such a system would provide warnings in the form of a set of graduated "Threat Conditions" that would increase as the risk of the threat increases. At each Threat Condition, Federal departments and agencies would implement a corresponding set of "Protective Measures" to further reduce vulnerability or increase response capability during a period of heightened alert.

This system is intended to create a common vocabulary, context, and structure for an ongoing national discussion about the nature of the threats that confront the homeland and the appropriate measures that should be taken in response. It seeks to inform and facilitate decisions appropriate to different levels of government and to private citizens at home and at work.

Homeland Security Advisory **System**

The Homeland Security Advisory System shall be binding on the executive branch and suggested, although voluntary, to other levels of government and the private sector. There are five Threat Conditions, each identified by a description and corresponding color. From lowest to highest, the levels and colors are:

Low = Green;
Guarded = Blue;
Elevated = Yellow;
High = Orange;
Severe = Red.

The higher the Threat Condition, the greater the risk of a terrorist attack. Risk includes both the probability of an attack occurring and its potential gravity. Threat Conditions shall be assigned by the Secretary of Homeland Security in consultation with the Assistant to the President for Homeland Security. Except in exigent circumstances, the Secretary of Homeland Security shall seek the views of the Attorney General, and any other federal agency heads the Secretary deems appropriate, including other members of the Homeland Security Council, on the Threat Condition to be assigned. Threat Conditions may be assigned for the entire Nation, or they may be set for a particular geographic area or industrial sector. Assigned Threat Conditions shall be reviewed at regular intervals to determine whether adjustments are warranted.

Attachment A

*Homeland Security Presidential
Directive-3, as amended*

For facilities, personnel, and operations inside the territorial United States, all Federal departments, agencies, and offices other than military facilities shall conform their existing threat advisory systems to this system and henceforth administer their systems consistent with the determination of the Secretary of Homeland Security with regard to the Threat Condition in effect.

The assignment of a Threat Condition shall prompt the implementation of an appropriate set of Protective Measures. Protective Measures are the specific steps an organization shall take to reduce its vulnerability or increase its ability to respond during a period of heightened alert. The authority to craft and implement Protective Measures rests with the Federal departments and agencies. It is recognized that departments and agencies may have several preplanned sets of responses to a particular Threat Condition to facilitate a rapid, appropriate, and tailored response. Department and agency heads are responsible for developing their own Protective Measures and other antiterrorism or self-protection and continuity plans, and resourcing, rehearsing, documenting, and maintaining these plans. Likewise, they retain the authority to respond, as necessary, to risks, threats, incidents, or events at facilities within the specific jurisdiction of their department or agency, and, as authorized by law, to direct agencies and industries to implement their own Protective Measures. They shall continue to be responsible for taking all appropriate proactive steps to reduce the vulnerability of their personnel and facilities to terrorist attack. Federal department and agency heads shall submit an annual written report to the President, through the Assistant to the President for Homeland Security, describing the steps they have taken to develop and implement appropriate Protective Measures for each Threat Condition. Governors, mayors, and the leaders of other organizations are encouraged to conduct a similar review of their organizations' Protective Measures.

At the request of the Secretary of Homeland Security, the Department of Justice shall permit and facilitate the use of delivery systems administered or managed by the Department of Justice for the purposes of delivering threat information pursuant to the Homeland Security Advisory System.

The decision whether to publicly announce Threat Conditions shall be made on a case-by-case basis by the Secretary of Homeland Security in consultation with the Assistant to the President for Homeland Security. Every effort shall be made to share as much information regarding the threat as possible, consistent with the safety of the Nation. The Secretary of Homeland Security shall ensure, consistent with the safety of the Nation, that State and local government officials and law enforcement authorities are provided the most relevant and timely information. The Secretary of Homeland Security shall be responsible for identifying any other information developed in the threat assessment process that would be useful to State and local officials and others and conveying it to them as permitted consistent with the constraints of classification. The Secretary of Homeland Security shall establish a process and a system for conveying relevant information to Federal, State, and local government officials, law enforcement authorities, and the private sector expeditiously.

*Homeland Security Presidential
Directive-3, as amended*

The Director of Central Intelligence, Secretary of Homeland Security and the Attorney General shall ensure that a continuous and timely flow of integrated threat assessments and reports is provided to the President, the Vice President, Assistant to the President and Chief of Staff, the Assistant to the President for Homeland Security, and the Assistant to the President for National Security Affairs. Whenever possible and practicable, these integrated threat assessments and reports shall be reviewed and commented upon by the wider interagency community.

A decision on which Threat Condition to assign shall integrate a variety of considerations. This integration will rely on qualitative assessment, not quantitative calculation. Higher Threat Conditions indicate greater risk of a terrorist act, with risk including both probability and gravity. Despite best efforts, there can be no guarantee that, at any given Threat Condition, a terrorist attack will not occur. An initial and important factor is the quality of the threat information itself. The evaluation of this threat information shall include, but not be limited to, the following factors:

To what degree is the threat information credible?

To what degree is the threat information corroborated?

To what degree is the threat specific and/or imminent?

How grave are the potential consequences of the threat?

Threat Conditions and Associated Protective Measures

The world has changed since September 11, 2001. We remain a Nation at risk to terrorist attacks and will remain at risk for the foreseeable future. At all Threat Conditions, we must remain vigilant, prepared, and ready to deter terrorist attacks. The following Threat Conditions each represent an increasing risk of terrorist attacks. Beneath each Threat Condition are some suggested Protective Measures, recognizing that the heads of Federal departments and agencies are responsible for developing and implementing appropriate agency-specific Protective Measures:

Low Condition (Green). This condition is declared when there is a low risk of terrorist attacks. Federal departments and agencies should consider the following general measures in addition to the agency-specific Protective Measures they develop and implement:

Refining and exercising as appropriate preplanned Protective Measures;

Ensuring personnel receive proper training on the Homeland Security Advisory System and specific preplanned department or agency Protective Measures; and

Institutionalizing a process to assure that all facilities and regulated sectors are regularly assessed for vulnerabilities to terrorist attacks, and all reasonable measures are taken to mitigate these vulnerabilities.

*Homeland Security Presidential
Directive-3, as amended*

Guarded Condition (Blue). This condition is declared when there is a general risk of terrorist attacks. In addition to the Protective Measures taken in the previous Threat Condition, Federal departments and agencies should consider the following general measures in addition to the agency-specific Protective Measures that they will develop and implement:

- Checking communications with designated emergency response or command locations;
- Reviewing and updating emergency response procedures; and
- Providing the public with any information that would strengthen its ability to act appropriately.

Elevated Condition (Yellow). An Elevated Condition is declared when there is a significant risk of terrorist attacks. In addition to the Protective Measures taken in the previous Threat Conditions, Federal departments and agencies should consider the following general measures in addition to the Protective Measures that they will develop and implement:

- Increasing surveillance of critical locations;
- Coordinating emergency plans as appropriate with nearby jurisdictions;
- Assessing whether the precise characteristics of the threat require the further refinement of preplanned Protective Measures; and
- Implementing, as appropriate, contingency and emergency response plans.

High Condition (Orange). A High Condition is declared when there is a high risk of terrorist attacks. In addition to the Protective Measures taken in the previous Threat Conditions, Federal departments and agencies should consider the following general measures in addition to the agency-specific Protective Measures that they will develop and implement:

- Coordinating necessary security efforts with Federal, State, and local law enforcement agencies or any National Guard or other appropriate armed forces organizations;
- Taking additional precautions at public events and possibly considering alternative venues or even cancellation;
- Preparing to execute contingency procedures, such as moving to an alternate site or dispersing their workforce; and
- Restricting threatened facility access to essential personnel only.

Severe Condition (Red). A Severe Condition reflects a severe risk of terrorist attacks. Under most circumstances, the Protective Measures for a Severe Condition are not intended to be sustained for substantial periods of time. In addition to the Protective Measures in the previous Threat Conditions, Federal departments and agencies also should consider the following

*Homeland Security Presidential
Directive-3, as amended*

general measures in addition to the agency-specific Protective Measures that they will develop and implement:

Increasing or redirecting personnel to address critical emergency needs:

Assigning emergency response personnel and pre-positioning and mobilizing specially trained teams or resources;

Monitoring, redirecting, or constraining transportation systems; and

Closing public and government facilities.