

June 30, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - SECY-06-0126 - PROPOSED
RULEMAKING - POWER REACTOR SECURITY
REQUIREMENTS (RIN 3150-AG63)

The Commission has approved publication of the proposed amendments to 10 CFR Parts 50, 72, and 73 in the *Federal Register*, subject to the comments and changes noted in the Commission votes, as modified by the comments below.

1. It is not necessary to seek public comment on the need to establish security requirements for the Emergency Response Data System.
2. PBL comment on page 320 (t)(4)(ii) and the bottom of page 926 should remain for the purpose of public comment in the proposed rule and the staff should clarify the basis for the cost benefit analysis.
3. PBL comment on page 460 should be deleted.
4. NJD vote, pp 99 - the staff should retain the rule text "to this part".
5. NJD vote, pp 674 - the SOC text of the change description in Table 6 should be modified, rather than eliminated completely. The SOC text should be revised to indicate that this requirement would apply to both CAS and SAS operators (consistent with the Chairman's and Comm. McGaffigan's directed changes to the rule text).
6. EXM and GBJ votes - non-SGI versions of the guidance documents - to the extent practicable, the staff should make implementing guidance publically available, as appropriate, without causing undue delay in completion of this effort or other high priority security rulemakings.
7. The staff should take administrative action to withdraw all previously issued orders where appropriate.
8. JSM comments on pages 41 and 42 - retain original language.
9. EXM vote - (Add new Rule text to 73.55(b)(7) page) The language should read, " (i)In

addition to each licensee shall develop, and implement, and maintain an insider mitigation program.

The staff should plan to conduct more than one public meeting during the public comment period. Recent experience with other voluminous rule packages indicates that perhaps a second, or even a third, public meeting may be necessary to fully vet the issues addressed in this proposed rule.

In light of the status of NSIR and OGC staffs' ongoing interactions with the Department of Justice (DOJ) regarding the development of guidelines that will make new section 161A of the Atomic Energy Act effective, NSIR and OGC staffs should revise the proposed rule language for §§ 73.18 and 73.19 to reflect the current DOJ conceptual approach to section 161A, which would require licensees and certificate holders that are designated by the Commission to apply to the NRC for section 161A authority, if they wish to obtain the benefits of section 161A . The staff should make any other necessary conforming changes to the FRN's statement of considerations and to the supporting analyses to ensure consistency with the revised rule text. The staff should brief the Commission's technical assistants on the revised rule text prior to publication of the proposed rule.

Attachment: Commission Votes for SECY-06-0126

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR