

June 9, 2015

MEMORANDUM FOR: Mark A. Satorius
Executive Director for Operations

Brooke P. Clark, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,
WEDNESDAY, JUNE 9, 2015, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-14-0129 – Final Rule: Cyber Security Event Notifications (10 CFR Part 73)
(RIN-3150-AJ37)

The Commission approved a final rule amending certain cyber security event notification requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, “Physical Protection of Plants and Materials,” subject to the enclosed changes. Specifically, the rule makes changes to Section 73.22, “Protection of safeguards information: Specific requirements,” and Section 73.54, “Protection of digital computer and communication systems and networks; and adds a new Section 73.77, “Cyber security event notifications.” The rule requires 10 CFR Parts 50 and 52 licensees that are subject to the requirements of § 73.54 to ensure that their cyber security program meets the cyber security event notification requirements in the rule. Additionally, the Commission has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

Following incorporation of the enclosed changes, the *Federal Register* notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

II. SECY-15-0070 – Motions to Reopen and Proposed New Contentions Regarding
Continued Storage (Multiple Dockets)

The Commission approved a Memorandum and Order responding to newly filed motions to reopen and proposed contentions regarding the 2014 Continued Storage Rule and associated Generic Environmental Impact Statement. The Memorandum and Order denies the petitions and motions.

(Subsequently, on June 9, 2015, the Secretary signed the Memorandum and Order.)

Enclosure:

Changes to the *Federal Register* notice in SECY-14-0129

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* notice in SECY-14-0129

1. Page 5, last line, revise to read: "...(Regulatory Guide (RG) 5.83, "Cyber Security Event Notifications," **ADAMS Accession No. ML14269A388**)."
2. Page 6, "Discussion" section, line 10, revise to read: "...and plays an important role..."
3. Page 6, 2nd to last line, revise to read: "...(e.g., increase **their** security posture)."
4. Page 6, last line revise to read: "...assist the NRC **in achieving** achieve its strategic..."
5. Page 7, 1st full paragraph, line 2, revise to read: "...critical infrastructure (~~financial, military~~)."
6. Page 8, 1st full paragraph, line 8, revise to read: "...assist them to **in protecting**..."
7. Page 13, "Response," paragraph, line 11, revise to read: "...events ~~has~~ **have** been clarified..."
8. Page 13, "Response," paragraph, line 12, revise to read: "...access and **were** was moved..."
9. Page 15, last line of "Comment 8," add a closed quotation mark after the period.
10. Page 17, 2nd to last line, revise to read: "...notification with**in** four hours..."
11. Page 18, "Comment 13" – Staff should provide the appendix G IV.(a)(2) sentence or statement that was identified in this comment in order to allow readers of this notice to understand the full context of the comment.
12. Page 32, "Comment 30," [NEI-138, 204, 205] – The comment summary indicates that it reflects input from several commenters but only one commenter is shown here. Staff should ensure that the comment summary and the list of comment numbers are consistent.
13. Page 36, line 8, revise to read: "...initiative ~~there by~~ **thereby** reducing..."
14. Page 42, "XI. National Environmental Policy Act," – The SECY-14-0129 cover letter includes the following statement, which contradicts the information provided in this FRN (Enclosure 2): "The staff has performed a final environmental assessment and reached a finding of no significant impact (Section VII of Enclosure 2)." The staff should ensure that the FRN provides accurate information regarding the staff's NEPA review.
15. Page 51, item "(4)," lines 2-3, revise to read: "...Director, ~~Cyber Security Directorate,~~ Office of Nuclear Security and Incident Response."
16. Page 51, item "(4)," line 3, revise to read: "...Office of Nuclear Security and Incident Response, **or the Director's designee**."