

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-99-241 - RULEMAKING PLAN, PHYSICAL SECURITY  
REQUIREMENTS FOR EXERCISING POWER REACTOR  
LICENSEES' CAPABILITY TO RESPOND TO SAFEGUARDS  
CONTINGENCY EVENTS**

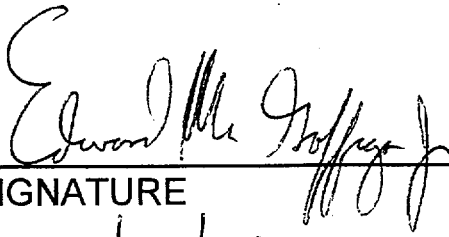
with comments

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

Please see attached.

  
\_\_\_\_\_  
SIGNATURE  
11/16/99  
\_\_\_\_\_  
DATE

Entered on "AS" Yes  No

## Commissioner McGaffigan's Comments on SECY-99-241

I approve Option 3 for proceeding with this important rulemaking, subject to the following comments.

I strongly encourage the staff to consider as part of this rulemaking how to credit operator actions during an attempt at radiological sabotage, although this issue was not specifically addressed in the staff's paper. We have already informed Congress<sup>1</sup> that we would examine the integration of the overall actions by operations and security organizations in preventing radiological sabotage, and that this would be an important element in the proposed rulemaking and related guidance that is the subject of SECY-99-241.

In light of the heightened Congressional interest in the proposed rulemaking initiative, it strikes me that we should inform the appropriate Congressional Committees of the Commission's decision on SECY-99-241, including the House Committee on Commerce and Congressman Markey who have recently questioned us on our plans. This should be done simultaneously with making the SECY-99-241 staff requirements memorandum publicly available.



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<sup>1</sup>Letter from Chairman Dicus to the Congressman Barton, Chairman of the Subcommittee on Energy and Power, Committee on Commerce, dated September 10, 1999; Letter from Chairman Dicus to Congressman Markey, dated August 27 (CR-99-163 Rev.).