

May 1, 2013

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-13-0006 –  
COMMISSION ORDER TO DESIGNATE AN INTERIM  
CLASS OF U.S NUCLEAR REGULATORY  
COMMISSION-LICENSED FACILITIES THAT ARE  
ELIGIBLE TO APPLY TO THE COMMISSION FOR  
PREEMPTION AUTHORITY UNDER SECTION 161A OF  
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

The Commission has approved the draft designation order designating a limited class of NRC-licensed facilities eligible to apply for the authority granted to the Commission pursuant to Section 161A of the Atomic Energy Act of 1954, as amended, including attachments, subject to the attached edits. The staff should issue the orders to the licensees listed in Attachment 1 of the order as revised. The staff should provide for Commission review and approval any future draft designation order(s) it may develop for licensees that the staff subsequently determines have a near-term need for interim action prior to the issuance of the final rule implementing the Commission's authority under Section 161A.

The staff should prepare letters informing the governors of all affected states about the Commission's interim actions to execute preemption authority under section 161A via order. Consistent with the September 4, 2009 notification, the letters to the governors should be signed by the Chairman.

Attachment: Changes to the orders and attachments in SECY-13-0006

cc: Chairman Macfarlane  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ASLBP (via E-Mail)  
PDR

## Changes to the Orders and Attachments in SECY-13-0006

### Changes to the Orders

1. On page 1, in the heading, update the order number, as appropriate, and correct throughout the orders and attachments.
2. On page 1, 1<sup>st</sup> paragraph, revise lines 3 and 4 to read ‘ ... facilities and ~~general license at reactor Independent Spent Fuel Storage Installations (ISFSIs)~~ licensed ....’
3. On page 1, 1<sup>st</sup> paragraph, revise lines 7 and 8 to read ‘ ... and an **Independent Spent Fuel Storage Installation** ~~specific license, co-located~~ **(ISFSI)** licensed ....’
4. On page 1, 1<sup>st</sup> paragraph, last line, delete the last 2 words “These licensees.”
5. On page 2, delete the top 2 lines “authorize the ... specified.”
6. On page 3, paragraph 3, line 1, delete the commas after “licensees” and “Order.”
7. On page 3, last paragraph, revise line 4 to read ‘ ... import, ~~and~~ **or** use ....’
8. On page 3, last paragraph, delete everything after the period in line 5 “An application ... to use ....”
9. On page 4, revise line 1 at the top to read ‘ ... ~~Section 161A preemption authority has been submitted to the NRC.~~ The Commission’s ....’
10. On page 4, revise line 3 from the top to read ‘ ... import, ~~and~~ **or** use ....’
11. On page 4, last paragraph, revise line 11 to read ‘ ... Part 95, ~~and~~ ....’
12. On page 5, paragraph 1., revise line 1 to read ‘ ... must fall ~~be~~ **be** within in ....’
13. On page 5, paragraph 1., revise lines 1 and 2 to read ‘ ... facilities, ~~radioactive material, or other property~~ designated ....’
14. On page 5, paragraph 1., revise line 2 to read ‘ ... Attachment 1 **as eligible to apply for preemption authority.**’
15. On page 5, paragraph 3., revise line 2 to read ‘ ... facility ~~falling within~~ the class ....’
16. On page 5, paragraph 3., revise line 3 to read ‘ ... Attachment 1 **as eligible to apply for preemption authority.**’
17. On page 5, last paragraph, delete the last sentence ‘However, the ... this Order.’
18. On page 6, 1<sup>st</sup> paragraph, revise line 1 to read ‘~~At a minimum,~~ applications must include, **at a minimum,** all the ....’
19. On page 6, 2<sup>nd</sup> paragraph, revise lines 1 through 3 to read ‘**Licensees of the facilities listed in Attachment 1 are required to conduct firearms background checks of all personnel who require access to any firearm listed in Section 161A.b in the performance**

of their official duties, as provided in Attachment 3 to this Order, whether the licensee applies for pre-emption authority or not. Such ~~In accordance with the Firearms Guidelines, all personnel at the designated facilities listed in Attachment 1 who are assigned official duties that require access to any firearm listed in Section 161A.b shall be subject ....~~

20. On page 6, 2<sup>nd</sup> paragraph, revise line 10 to read ' ... Section 161A.b. Each licensee must also remit to the NRC a A \$70 administrative processing fee will be charged to the licensee for each ....'
21. On page 7, paragraph 2., revise line 1 to read ' ... 30 days of the effective date of this Order, and ....'
22. On page 7, paragraph 2., revise line 2 to read ' ... of the issuance effective date of this ....'
23. On page 7, paragraph 3., revise line 2 to read ' ... check to staff such that the licensee's ....'
24. On page 7, paragraph 3., revise line 3 to read ' ... organization can be staffed as specified ....'
25. On page 7, paragraph 3., revise lines 3 through 5 to read ' ... and effectively implement the licensee's site protective strategy and procedures can be effectively implemented, while meeting ....'
26. On page 7, paragraph 4., revise line 2 to read ' ... of Safeguards Events," of ....'
27. On page 7, paragraph 4, in line 3, delete the extra space after "which."
28. On page 7, paragraph 4., revise line 4 to read ' ... the issuance effective date of this ....'
29. On page 8, paragraph 5., revise line 1 to read 'Submit Remit to the ....'
30. On page 8, 1<sup>st</sup> full paragraph, delete the last sentence "The Director ... the licensee."
31. On page 8, insert a new paragraph before the last paragraph which reads: "As applicable, the Director, Office of Nuclear Reactor Regulation, the Director, Office of Nuclear Material Safety and Safeguards, or the Director, Office of Federal and State Materials and Environmental Management Programs may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause."

#### Changes to Attachment 1

32. On page 1, insert the following as the 2<sup>nd</sup> entry:

Calvert Cliffs Nuclear Power Plant, Units 1 and 2  
Docket Nos. 50-317 and 50-318, License Nos. [NRC staff to insert License Nos.]  
Calvert Cliffs co-located Independent Spent Fuel Storage Installation  
Docket No. 72-8, Specific-License No. [NRC staff to insert License No.]  
[NRC staff to insert Address information]

33. On page 1, last licensee, revise line 1 to read ‘ ... FitzPatrick ....’

Changes to Attachment 2

34. On page 1, 3<sup>rd</sup> paragraph, revise line 2 to read ‘ ... must be fall within the class ....’

35. On page 1, 3<sup>rd</sup> paragraph, revise lines 2 and 3 to read ‘ ... facilities, radioactive material, or other property designated ....’

36. On page 1, 3<sup>rd</sup> paragraph, revise line 6 to read ‘ ... FR 46800; September 11, 2009) (“Firearms Guidelines”)) as part ....’

37. On page 1, 3<sup>rd</sup> bullet, revise line 1 to read ‘ ... include general-license co-located Independent ....’

Changes to Attachment 3

38. On page 1, paragraph 1., revise line 1 to read ‘ ... 30 days after the effective date issuance of ....’

39. On page 2, last paragraph, revise line 6 to read ‘ ... at 301-492-3531.) Combined ....’

40. On page 3, paragraph 4., revise line 1 to read ‘ ... after the effective date issuance of ....’

41. On page 3, paragraph 4., revise line 3 to read ‘ ... after the effective date issuance of ....’

42. On page 3, paragraph 5., revise line 1 to read ‘ ... after the effective date issuance of ....’