

## Changes and Comments on the Final Rule in SECY-06-0219

### Changes to the Final Rule

1. Page 11, last paragraph, revise line 3 to read ‘ ... security purposes, the Commission believes they are appropriate ~~they are indeed robust~~. The DBTs ....’
2. Page 12, 2<sup>nd</sup> full paragraph, revise line 1 to read ‘ ... physical threats from ~~includes~~ the use of ....’
3. Page 12, 4<sup>th</sup> full paragraph, revise line 1 to read ‘ ... biochemical threats both before and after the events of September 11, 2001. The previous ....’
4. Page 13, revise line 1 from the top to read ‘ ... only a few ~~several~~ comments ....’
5. Page 13, last paragraph, revise line 3 to read ‘ ... specified publicly, but the Commission believes they are appropriate ~~but they are indeed substantial~~. Furthermore, the ....’
6. Page 14, paragraph 1, revise lines 3 and 4 to read ‘ ... the NRC staff ~~bases~~ considers the DBT ~~adversary~~ tactics ~~on those tactics~~ that have been observed ....’
7. Page 19, 1<sup>st</sup> full paragraph, revise line 8 to read ‘ ... entity, ~~and~~ to get ....’
8. Page 25, 1<sup>st</sup> full paragraph, revise line 1 to read ‘ ... stated ~~because~~ that the ....’
9. Page 25, 3<sup>rd</sup> full paragraph, revise line 1 to read ‘ ... security of the nation’s ....’
10. Page 33, revise lines 10 and 11 from the top to read ‘ ... defend against attacks by ~~threats that it considers to be~~ “Enemies of the ....’
11. Page 35, 1<sup>st</sup> full paragraph, revise line 2 to read ‘ ... distinguish between a threat posed by an “enemy of the state” ~~excluded as defined by 10 CFR 50.13~~, and threats covered by the DBTs.’
12. Page 36, 1<sup>st</sup> full paragraph, revise line 10 to read ‘ ... be “beyond-DBT,” regardless of whether they would or would not be deemed an ....’
13. Page 39, 1<sup>st</sup> full paragraph, delete lines 3 through 11 (Unfortunately, language ... on this point.) Revise line 12 to read ‘~~However,~~†The Commission ....’
14. Page 41, 2<sup>nd</sup> full paragraph, revise line 9 to read ‘ ... from certain specific requirements contained in the ~~for protecting against the~~ DBT. Ultimately, ....’
15. Page 43, 2<sup>nd</sup> full paragraph, revise line 6 to read ‘ ... the site-specific ~~DBT~~ ....’
16. Page 48, 1<sup>st</sup> full paragraph, revise line 1 to read ‘ ... or the ACDs and RG, the Commission ....’

17. Page 50, 1<sup>st</sup> full paragraph, revise the last 2 lines to read ‘ ... of this rule, and analyzing the effects of a terrorist attack would be ~~incredibly~~ speculative at best ~~if not impossible~~. NEPA does not require such an ~~endless~~ inquiry.’
18. Page 50, footnote 1, revise line 4 to read ‘ ...2006). However, the 9<sup>th</sup> Circuit’s a determination ....’ Revise line 7 to read ‘ ... should ~~also~~ be considered as part of this rulemaking action.’
19. Page 51, revise line 4 from the top to read ‘ ... does a request ~~the mere desire~~ by a member ....’
20. Page 53, 1<sup>st</sup> full paragraph, revise line 3 to read ‘ ... (August 1976-). The study ....’
21. Page 62, 2<sup>nd</sup> full paragraph, revise lines 6 and 7 to read ‘ ... features. However, ~~the commenter should be informed that~~ plant specific ....’ Revise lines 9 and 10 to read ‘ ... rulemakings related to this issue ~~as an effort to mitigate this concern~~. For ....’ Revise the last sentence in lines 12 through 16 to read ‘ ... Commission is ~~proposing to add new requirements to its regulations~~ considering issuing a proposed rule that would require ~~requiring~~ applicants to assess specific design features that would be incorporated into the final design to support overall security effectiveness of nuclear power plants. ~~;~~ ~~[Proposed Rule, New Power Reactors/Security Assessment, 71 FR XXX (XXX-XX-XX)]~~’
22. Page 63, 2<sup>nd</sup> full paragraph, revise lines 3 and 4 to read ‘ ... believes that ~~;~~ ~~individually,~~ a ~~large majority of individual~~ existing fire protection exemptions have had a small ~~or very small~~ impact on ....’
23. Page 65, 1<sup>st</sup> full paragraph, revise line 2 to read ‘ ... text in 10 CFR 73.1.’
24. Page 65, last 2 paragraphs, replace the “(A)” with “(a)”.
25. Page 66, 1<sup>st</sup> full paragraph, replace the “(A)” with “(a)”.
26. Pages 66, 70, 82, and 83 (with additional conforming changes as appropriate, including, for example, Response to Public Comments on page 40), in § 73.1(a)(1) and § 73.1(a)(2) definitions of radiological sabotage and theft/diversion of formula quantities of SNM, replace (i) with: "A determined violent external assault, attack by stealth, or deceptive actions, including diversionary actions, by an adversary force capable of operating in each of the following modes:
  - a single group attacking through one entry point,
  - multiple groups attacking through multiple entry points,
  - a combination of one or more groups and one or more individuals
    - attacking through multiple entry points, or
    - individuals attacking through separate entry points,with the following attributes, assistance and equipment:"