



RECEIVED DATE BY 6/22

COMSECY-05-0019

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Disapproved with comments.
See attached comments.

Nils J. Diaz
Nils J. Diaz 08/17/05

June 7, 2005

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: *Luis A. Reyes*
Luis A. Reyes
Executive Director for Operations

SUBJECT: PROTECTIVE MEASURES AND IMPLEMENTING GUIDANCE FOR
GROUPS 1 THROUGH 4 MATERIALS LICENSEES

This paper responds to Staff Requirements Memoranda (SRMs) for COMSECY-04-0045, COMSECY-04-0060, and COMSECY-04-0076, addressing Protective Measures (PMs) and Guidance for Groups 1 through 5 materials licensees, dated October 4, 2004, October 27, 2004, and January 12, 2005, respectively. This paper also identifies issues related to the release of security information previously withheld by the Commission. In response to the SRMs, the NRC staff and Materials Security Working Group (MSWG) members met with stakeholders regarding the proposed PMs. The MSWG reviewed and considered Groups 1 through 4 stakeholder comments and have appropriately revised the PMs and Implementing Guidance. The draft final Groups 1 through 4 PMs and Implementing Order package is attached for Commission review (Attachment 1). Unless the Commission directs the staff to pursue the proposed alternative approach presented by the staff on April 19, 2005, and in

CONTACT: Richard H. Turtill, NSIR/DNS
(301) 415-5563

CHAIRMAN DIAZ'S COMMENTS ON COMSECY-05-0019

The staff has done a commendable job in developing a set of comprehensive and well-coordinated protective measures and implementing guidance for Groups 1 through 4 materials licensees. It is clear that a viable option would be for NRC to impose these measures by order on licensees nationwide rather than through the alternative approach approved by the Commission in COMSECY-05-0028, i.e., having the measures issued by NRC and the Agreement States to their respective licensees. However, expedience in issuing orders is only the first step in providing the additional assurance intended by these protective measures. The lion's share of this effort will lie in verifying licensee implementation of the protective measures. As I noted in my vote on COMSECY-05-0028, I believe involving the Agreement States will result in a more efficient and effective implementation of the protective measures, including verification by a regulatory body. In consideration of the foregoing and the Commission's approval of COMSECY-05-0028, I disapprove issuance of the Groups 1 through 4 protective measures proposed in COMSECY-05-0019.



REQUEST REPLY BY: 6/22

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UNITED STATES

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

*Disapproved. Recommended
activities superseded by
Commission action on
COMSECY-05-0028.*

June 7, 2005

*John O. Thone
for
Jeffrey S. Merrifield
8/17/05*

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

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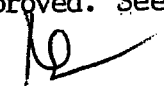


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Approved. See attached comments.


Gregory B. Jaczko

8/5/05
Date

June 7, 2005

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM:


Luis A. Reyes
Executive Director for Operations

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**Commissioner Jaczko's Comments on COMSECY-05-0019
Protective Measures and Implementing Guidance for
Groups 1 through 4 Materials Licensees**

I approve of the protective measures and implementing guidance for the Groups one through four materials licensees. I also approve of the Regulatory Issue Summary, Orders and the letter to the licensees. I commend the staff for its work in collaborating with the stakeholders to develop final protective measures appropriate for such a diverse group of licensees.

I appreciate the voluntary efforts licensees have undertaken to better secure these materials, and I encourage Agreement State participation in these matters under 274i agreements as a means to enhance the implementation and monitoring of these new requirements.

I believe strongly, however, that it is the NRC which has a responsibility to issue these orders under our common defense and security legal authority. Issuing the orders directly to licensees will require only minimal resources. More importantly, it is the most efficient and effective way for the NRC to ensure we are meeting our statutory obligation to make certain that effective measures are in place to protect the public from the malevolent use of these radioactive materials.

The need to increase the security of these sources and materials is the result of the events of September 11, 2001. The Commission should act quickly to address these post-September 11th concerns and assure the public that it is working to fulfill its mission to ensure adequate protection of public health and safety and promote the common defense and security.



Gregory B. Jaczko

8/15/05

Date



REQUEST REPLY BY: 6/22
UNITED STATES

COMSECY-05-0019

NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Disapproved with comments.

June 7, 2005

Peter B Lyons
Peter B Lyons Date 8/18/05

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: *Luis A. Reyes*
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Executive Director for Operations

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Commissioner Lyons' Comments on COMSECY-05-0019

First, I would like to compliment the staff on a job well done. The staff did an outstanding job delivering a set of comprehensive and well-coordinated protective measures and implementing guidance for Groups 1 through 4 materials licensees to the Commission.

Although I agree that NRC could issue these protective measures under the Commission's common defense and security authority, I believe the Agreement States will be able to implement the increased controls more efficiently and effectively. Also as discussed in my vote on COMSECY-05-0028, I believe that issuing the orders under public health and safety will support the integration of safety, security, and emergency preparedness, in a manner consistent with the NRC's strategic goals and the complementary nature of these requirements.

Peter Lyons
8/18/05