

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Meeting of the Subcommittee on Reliability and Probabilistic Risk Assessment; Revised

The meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment scheduled for May 19, 2000 has been *rescheduled for Wednesday, June 28 and Thursday, June 29, 2000 at 8:30 a.m. until the conclusion of business, in Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.* On June 28, 2000, the Subcommittee will discuss the proposed final ASME Standard for PRA quality. On June 29, 2000, the Subcommittee will discuss the status of risk-informed revisions to 10 CFR Part 50, including proposed revision to 10 CFR 50.44 concerning combustible gas control systems, issues in the Nuclear Energy Institute letter dated January 19, 2000 (Option 3), and the public comments related to the Advance Notice of Public Rulemaking on 10 CFR 50.69 and Appendix T (Option 2) and associated plans and schedules. All other items pertaining to this meeting remain the same as published in the **Federal Register** on Monday, May 8, 2000 (65 FR 26644).

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael T. Markley, cognizant ACRS staff engineer (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: May 10, 2000.

**Howard J. Larson,**

*Acting Associate Director for Technical Support, ACRS/ACNW.*

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## NUCLEAR REGULATORY COMMISSION

### Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission Regarding Nuclear Threat Incidents Involving NRC Licensed Facilities, Materials, or Activities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) entered into a Memorandum of Understanding (MOU)

with the Federal Bureau of Investigation (FBI) in 1979. The MOU delineated the responsibilities of each agency regarding nuclear threat incidents involving NRC-licensed facilities, materials, or activities. In 1991, the NRC and FBI revised the MOU to reflect new legal authorities and operating experience. In 1999, the agencies reviewed the MOU and determined additional revisions were not required. We are currently publishing the MOU to inform the public of this review and staff conclusion regarding the continuing adequacy of the document. The text of the MOU between the NRC and the FBI follows.

**FOR FURTHER INFORMATION CONTACT:** John Davidson, Office of Nuclear Material Safety and Safeguards, telephone 301-415-8130, e-mail [jjd@nrc.gov](mailto:jjd@nrc.gov).

Dated at Rockville, Maryland, this 9th day of May 2000.

For the Nuclear Regulatory Commission

**Michael F. Weber,**

*Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

### Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission Regarding Nuclear Threat Incidents Involving NRC Licensed Facilities, Materials, or Activities

#### I. Purpose

In recognition of the responsibilities and functions of the Federal Bureau of Investigation (FBI) and the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954, as amended, this Memorandum of Understanding (MOU) delineates the responsibilities of each agency regarding nuclear threat incidents involving NRC-licensed facilities, materials, or activities. (This agreement does not affect the procedures and responsibilities set forth in the November 23, 1988, Memorandum of Understanding between the NRC and the Department of Justice (DOJ) regarding cooperation concerning NRC enforcement actions, criminal prosecution by DOJ, and the exchange of pertinent information.)

Having closely related statutory responsibilities with regard to nuclear materials, facilities, and activities in the United States, the FBI and NRC must cooperate fully in carrying out their respective responsibilities in the interest of achieving:

1. Effective communication and exchange of relevant information, and
2. A timely, reliable, and effective response to a nuclear threat incident.

#### II. Definitions

For the purpose of this agreement, nuclear threat incidents are defined as threats, or acts of theft or sabotage in the U.S. nuclear industry, including the following:

- Theft or attempted theft of NRC-licensed special nuclear material.

- Sabotage or attempted sabotage of NRC-licensed nuclear facilities or NRC-licensed transportation activities.

- Attacks on NRC-licensed nuclear facilities or activities.
- Credible threats involving NRC licensed facilities, materials, or activities.

#### III. Responsibilities

##### A. The FBI

The FBI derives the authority to investigate criminal matters related to NRC licensed facilities, materials, or activities from the Atomic Energy Act of 1954, as amended; Title 18, Section 831 "Prohibited transactions involving nuclear materials," and other Federal statutes as may be applicable. The FBI has been designated as the lead agency for coordinating the Federal Response to acts of terrorism within the United States by National Security Decision Directive (NSDD) Number 207 and the National System for Emergency Coordination (NSEC).

It is therefore understood that the FBI shall:

1. Provide to NRC, intelligence information concerning possible criminal acts relative to the security of nuclear facilities, materials, activities.

2. Notify NRC when allegations of a serious nature arise, or derogatory information is developed involving licensee personnel occupying positions considered critical to the safety and security of nuclear facilities or activities.

3. Investigate ongoing nuclear-related threat situations; advise NRC regarding the credibility and danger of such threats.

4. Establish liaison and develop contingency response plans with pertinent local law enforcement agencies to ensure effective and coordinated law enforcement response operations.

5. In accordance with the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, conduct identification and criminal history records checks on individuals with unescorted access to NRC-licensed nuclear power plants or access to Unclassified Safeguards Information.

6. Establish liaison with pertinent NRC Headquarters staff, NRC regional offices, and licensed facilities to ensure effective information exchange, threat evaluation, and contingency response planning.

In the event of a nuclear threat incident the FBI shall:

7. Coordinate the Federal response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities. The FBI will rely on the NRC on matters concerning public health and safety, as they relate to the nuclear facility, material, or activity.

8. Manage the law enforcement and intelligence aspects of the responded to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

9. Establish and maintain contacts and coordinate the incident response with other Federal and local law enforcement agencies and military authorities, as appropriate.

10. Ensure that all reasonable measures are provided to ensure the physical safety and security of all NRC personnel and equipment to be used in support of the incident.