[7590-01-P]

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping

Requirements; Office of Management and Budget

(OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revised, or extension: Revised.
2. The title of the information collection: Proposed Rule, 10 CFR 73 Changes to Nuclear Power Plant Security Requirements.
3. The form number if applicable: Not applicable.
4. How often is the collection required: Monthly.
5. Who will be required or asked to report: Nuclear power plant licensees.
6. An estimate of the number of responses: 900.
7. An estimate of the number of respondents: 75.
8. An estimate of the total number of hours needed annually to complete the requirement or request: 1,500 hrs. Reduction of burden: 7,500 hrs.

BAF-4A
x C&R-8

D023

9. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Applicable.

10. Abstract: Currently section 73.55(d)(7) requires the licensee to establish, maintain, and update an access authorization list monthly for each vital area. This requirement is used to limit unescorted access to vital areas during non-emergency conditions to individuals who require access in order to perform their duties. Thus, a licensee with ten vital areas is required to keep ten lists. The proposed regulation will require only one list per licensee which will encompass all vital areas.

Submit, by (insert date 30 days after publication in the Federal Register), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, D.C. The proposed

rule indicated in "Changes to Nuclear Power Plant Security Requirements, 10 CFR 73" is or has been published in the Federal Register within several days of the publication date of this Federal Register Notice. Instruction for accessing the electronic OMB clearance package for the rulemaking have been appended to the electronic rulemaking. Members of the public may access the electronic OMB clearance package by following the directions for electronic access provided in the preamble to the titled rulemaking.

Comments and questions should be directed to the OMB reviewer by (insert date 30 days after publication in the Federal Register):

Edward Michlovich
Office of Information
and Regulatory Affairs
3150-0002
NEOB-10202
Office of Management and Budget
Washington, D.C. 20503

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 415-7233.

Dated at Bethesda, Maryland, this 31 day of April, 1997.

For the Nuclear Regulatory Commission.

Gerald F. Cranford, Designated Senior
Official for Information Resources
Management

by the NRC to be only marginal to security.

This proposed rule would remove the requirement for change every 12 months while retaining the requirement for changing for cause, when an access control device has been compromised or there is a suspicion that it may be compromised.

Locking of Vital Areas

As noted earlier, Generic Letter 96–02, described, among other things, conditions under which licensees could leave vital areas unlocked. Specifically, to leave a vital area unlocked, the licensee would have had to ensure that the area is equipped with an alarmed access control system that will alarm on unauthorized entry; ensure that the doors to the area can be locked remotely; continue to maintain a record of personnel access; to examine for explosives, with equipment specifically designed for that purpose, all hand-carried packages entering any protected area within which there is an unlocked vital area; and to demonstrate a capability to protect against an external adversary.[1] This change was considered for inclusion in this rulemaking but as a result of recent events, it has been rejected. If vital areas are unlocked but alarmed, the response to an entry by an unauthorized individual could require a considerable time and level of effort to assure that important equipment was not damaged. Maintaining VA doors locked limits the number of people who have access to the area and ensures that personnel who enter are identified.

In July and August of this year, tampering events were discovered within vital areas of a reactor. The first search missed significant tampering with safety-related switches. If vital areas are unlocked but alarmed, an entry by an unauthorized individual, deliberate or inadvertent, could require a considerable level of effort to assure that important equipment was not damaged. It is also uncertain that such alarms would always initiate the level of response needed to evaluate the safety systems within the impacted vital area. In addition, most safety equipment is automatic and rapid access to vital areas is generally not required. Thus, this option of leaving a vital area unlocked is no longer being considered.

[1] Generic Letter 96–02 (February 13, 1996) identified those areas in which licensees might choose to revise their security plans without having to wait for the issuance of the rule changes. One change would have provided the option of not locking the doors to a vital area provided that the security of the plant would not be compromised.

Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available, as practical, for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321–3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555–0001, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

Environmental Impact: Categorical Exclusion

The Commission has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(3)(i). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Because the rule will reduce existing information collection requirements, the public burden for this collection of information is expected to be decreased by 102 hours per licensee. This reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The NRC is seeking public comment on the potential impact of the collection of information contained in the proposed rule and on the following issues:

1. Is the proposed collection of information necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the collection of information be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed collection of information, including suggestions for further reducing the burden, to the Information

and Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail at BJS1@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0002), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the collections of information or on the above issues should be submitted by March 24, 1997. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

A discussion of each of the five changes proposed in this rule is provided in the supplementary information section. The costs and benefits for each of the changes proposed in this rulemaking are as follows:

1. Search Requirements for On-duty Guards (§ 73.55(d)(1)).

The regulatory burden on licensees would be reduced by eliminating unnecessary weapon searches of guards who are already allowed to carry a weapon, which would result in better utilization of licensee resources. There would be no reduction in plant security because the potential for reduction in security personnel hours does not impact the total size of the security force. Further, the potential safety risk to personnel caused by removing and handling a guard's weapon would be eliminated.

2. Requirements for Vehicle Escort (73.55(d)(4)).

The regulatory burden on licensees would be reduced by requiring fewer vehicle escorts which would allow personnel to be utilized more effectively. Resources could be redirected to areas in which they would be more cost effective. The decrease in security would be marginal because unescorted access would be restricted to vehicles owned by the licensee and driven by licensee employees with unescorted access.

Assuming the number of entries by licensee-owned vehicles driven by personnel having unescorted access is 10-per-day per-site, the average time needed for escort is 3 hours, and the cost per hour for security personnel is $30 (loaded), a rough estimate of the potential savings per site per year is about $330,000 (10 escorts/day/site × 365 days/year × 3 hrs/escort × $30/hr). With 75 sites, the savings to the industry per year would be approximately $24,000,000.

3. Control of Contractor Employee Badges (§ 73.55(d)(5)).

The regulatory burden on licensees would be reduced by more effective use of security personnel, who would no longer be needed to handle badges for contractor personnel who have unescorted access. There would be no reduction in plant security because adequate safeguards would be in place to ensure that the security of the badge is not jeopardized.

Assuming that one security person per working day (8 hours) is relieved from the duties of controlling contractor employees badges and that the cost per hour for security personnel is $30 (loaded), a rough estimate of the potential savings per site per year is about $88,000 (8 hours/day ×365 days/year ×$30 hr). With 75 sites, the savings to the industry per year would be approximately $6,600,000.

4. Maintenance of Access Lists for Each Vital Area (§ 73.55(d)(7)(i)(A)).

The regulatory burden on licensees would be reduced because licensees would have to keep only one access list for all vital areas and reapprove it quarterly, rather than keep individual access lists for each vital area that must be reapproved monthly.

Assuming that the time to reapprove each of the individual lists is 1 hour per month, that a combined list would take 1.5 hours per month, that the average number of vital areas per site is 10, and that the cost of a clerk including overhead is $30 per hour (loaded), a rough estimate of the potential savings per site per year is about $3,420 [(1×10 vital areas/month ×12 months/yr—1.5 ×1 combined vital area/quarter ×4 quarters/yr) ×$30/hr]. With 75 sites, the savings to the industry per year would be approximately $256,500.

5. Key Controls for Vital Areas (§ 73.55(d)(8)).

The regulatory burden on the licensees would be reduced because fewer resources would be needed to maintain the system.

Assuming that of the approximately 60 locks per year, half of them had been changed for cause, leaving 30 locks unchanged which would take a locksmith one day to change at a cost(including overhead) of $45 per hour. A rough estimate of the potential savings per site per year is about $360 (8 hrs/year ×$45/hr). With 75 sites, the savings to the industry per year would be approximately $27,000.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act as amended, 5 U.S.C. 605(b), the Commission certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect only licensees authorized to operate nuclear power reactors. These licensees do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act, or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act, 13 CFR Part 121.

Backfit Analysis

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed amendment because this amendment would not impose new requirements on existing 10 CFR Part 50 licensees. The proposed changes to physical security are voluntary and should the licensee decide to implement this amendment, will be a reduction in burden to the licensee. Therefore, a backfit analysis has not been prepared for this amendment.

List of Subjects in 10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Export, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 73.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 sec. 1701, 106 Stat. 2951, 2952 (42 U.S.C. 5841, 5844, 2297f).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 98 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section

73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

2. Section 73.55 is amended by revising paragraphs (d)(1), (d)(4), (d)(5), (d)(7)(i)(A), and (d)(8) to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

* * * * *

(d) * * *

(1) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all individuals unless otherwise provided herein must be made and authorization must be checked at these points. The search function for detection of firearms, explosives, and incendiary devices must be accomplished through the use of both firearms and explosive detection equipment capable of detecting those devices. The licensee shall subject all persons except bona fide Federal, State, and local law enforcement personnel on official duty to these equipment searches upon entry into a protected area. Armed security guards who are on duty and have exited the protected area on official business may reenter the protected area without being searched for firearms.

* * * * *

(4) All vehicles, except under emergency conditions, must be searched for items which could be used for sabotage purposes prior to entry into the protected area. Vehicle areas to be searched must include the cab, engine compartment, undercarriage, and cargo area. All vehicles, except as indicated in this paragraph, requiring entry into the protected area must be escorted by a member of the security organization while within the protected area and, to the extent practicable, must be off loaded in the protected area at a specific designated materials receiving area that is not adjacent to a vital area. Escort is not required for designated licensee vehicles or licensee-owned vehicles entering the protected area and driven by licensee employees having unescorted access.

(5) A numbered picture badge identification system must be used for all individuals who are authorized access to protected areas without escort. Badges must be displayed by all individuals while inside the protected area. An individual not employed by the licensee but who requires frequent and extended access to protected and vital areas may be authorized access to such areas without escort provided that he or she displays a licensee-issued picture badge upon entrance into the protected area which indicates:

(i) Non-employee—no escort required;

(ii) Areas to which access is authorized; and

(iii) The period for which access has been authorized.

* * * * *

(7) * * *

(i) * * *

(A) Establish a current authorization access list for all vital areas. The access list must be updated by the cognizant licensee manager or supervisor at least once every 31 days and must be reapproved at least quarterly. The licensee shall include on the access list only individuals whose specific duties require access to vital areas during nonemergency conditions.

* * * * *

(d)(8) All keys, locks, combinations, and related access control devices used to control access to protected areas and vital areas must be controlled to reduce the probability of compromise. Whenever there is evidence or suspicion that any key, lock, combination, or related access control devices may have been compromised, it must be changed or rotated. The licensee shall issue keys, locks, combinations and other access control devices to protected areas and vital areas only to persons granted unescorted facility access. Whenever an individual's unescorted access is revoked due to his or her lack of trustworthiness, reliability, or inadequate work performance, keys, locks, combinations, and related access control devices to which that person had access must be changed or rotated.

* * * * *

Dated at Rockville, Maryland, this 14th day of February, 1997.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 97–4219 Filed 2–19–97; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 360

RIN 3064–AB92

Resolution and Receivership Rules

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: As part of the FDIC's systematic review of its regulations and written policies under section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRIA) the FDIC is proposing to amend its regulation addressing "least cost resolutions" to correct a typographical error. The provisions of the regulation relating to the security interests of Federal Home Loan Banks (Banks) in FDIC-administered receiverships, is being removed because of its limited applicability and the federal statutory protections provided to the Banks make it unnecessary to continue to address the issues contained therein by regulation. To the extent specific issues arise regarding the Banks' extensions of credit or security interests in FDIC-administered receiverships, they can be addressed on a case by case basis within the existing statutory structure.

DATES: Comments must be submitted on or before April 21, 1997.

ADDRESSES: Send written comments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C., 20429. Comments may be hand-delivered to Room F–400, 1776 F Street, N.W. 20429, on business days between 8:30 a.m. and 4:30 p.m.; sent by facsimile: (202) 898–3838; or by Internet: Comments@fdic.gov. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, N.W., Washington, D.C. 20429, between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Mitchell Glassman, Deputy Director, Division of Resolutions and Receiverships, (202) 898–6525; Rodney D. Ray, Counsel, Legal Division, (202) 898–3556; Catherine A. Ribnick, Counsel, Legal Division, (202) 736–0117, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

As part of the FDIC's review of its regulations pursuant to section 303 of CDRIA, the FDIC reviewed its receivership regulations to assure that there was a need for their continued existence. If it was determined that a regulation should be retained, it also was reviewed for accuracy and clarity. As part of the review process, the FDIC determined that § 360.1 should be retained but amended to correct a typographical error. It was determined that § 360.2 should be removed because the regulation is of limited applicability and addresses only the concerns of a discrete and limited group of secured creditors, whose interests are already

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library. Room 10102, 725 17th Street NW, Washington, DC 20503**

1. Agency/Subagency originating request
U.S. Nuclear Regulatory Commission

2. OMB control number
[X] a. 3150 - 0002 [ ] b. None

3. Type of information collection *(check one)*
[ ] a. New collection
[X] b. Revision of a currently approved collection
[ ] c. Extension of a currently approved collection
[ ] d. Reinstatement, **without change**, of a previously approved collection for which approval has expired
[ ] e. Reinstatement, **with change**, of a previously approved collection for which approval has expired
[ ] f. Existing collection in use without an OMB control number

4. Type of review requested *(check one)*
[X] a. Regular submission [ ] c. Delegated
[ ] b. Emergency - Approval requested by (date):

5. Will this information collection have a significant economic impact on a substantial number of small entities?
[ ] a. Yes [X] b. No

6. Requested expiration date
[ ] a. Three years from approval date
[X] b. Other (Specify): 08/31/98

7. Title
10 CFR 73, Physical Protection of Plants and Materials

8. Agency form number(s) *(if applicable)*
NA

9. Keywords
Nuclear, Power Plant, Security

10. Abstract
Currently 10 CFR 73.55(d)(7) requires licensees to establish, maintain, and update as access authorization list monthly for each vital area. This is intended to limit unescorted access to vital areas during nonemergency conditions to individuals who require access. Thus, a licensee with ten vital areas is currently providing ten lists. This proposed rule will require only one list per licensee which will encompass all vital areas.

11. Affected public *(Mark primary with "P" and all others that apply with "X")*
[ ] a. Individuals or households
[P] b. Business or other for-profit
[X] c. Not-for-profit institutions
[ ] d. Farms
[X] e. Federal Government
[X] f. State, Local, or Tribal Government

12. Obligation to respond *(Mark primary with "P" and all others that apply with "X")*
[ ] a. Voluntary
[ ] b. Required to obtain or retain benefits
[X] c. Mandatory

13. Annual reporting and recordkeeping hour burden
a. Number of respondents: 75
b. Total annual responses: 68,643
1. Percentage of these responses collected electronically: 2 %
c. Total annual hours requested: 410,602
d. Current OMB inventory: 410,602
e. Difference: 0
f. Explanation of difference
1. Program change:
2. Adjustment:

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*
a. Total annualized capital/startup costs: 0
b. Total annual costs (O&M):
c. Total annualized cost requested: 0
d. Current OMB Inventory:
e. Difference: 0
f. Explanation of difference
1. Program change:
2. Adjustment:

15. Purpose of information collection *(Mark primary with "P" and all others that apply with "X")*
[ ] a. Application for benefits
[ ] b. Program evaluation
[ ] c. General purpose statistics
[ ] d. Audit
[ ] e. Program planning or management
[ ] f. Research
[X] g. Regulatory or compliance

16. Frequency of recordkeeping or reporting *(Check all that apply)*
[X] a. Recordkeeping [ ] b. Third-party disclosure
[X] c. Reporting
[X] 1. On occasion [ ] 2. Weekly [ ] 3. Monthly
[ ] 4. Quarterly [ ] 5. Semi-annually [X] 6. Annually
[ ] 7. Biennially [ ] 8. Other (describe)

17. Statistical methods
Does this information collection employ statistical methods?
[ ] Yes [X] No

18. Agency contact *(person who can best answer questions regarding the content of this submission)*
Name: Dr. Sandra Frattali
Phone: (301) 415-6261

OMB 83-I 10/95

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503**

1. Agency/Subagency originating request
U.S. Nuclear Regulatory Commission

2. OMB control number
[X] a. 3150 - 0002 [ ] b. None

3. Type of information collection *(check one)*
[ ] a. New collection
[X] b. Revision of a currently approved collection
[ ] c. Extension of a currently approved collection
[ ] d. Reinstatement, **without change**, of a previously approved collection for which approval has expired
[ ] e. Reinstatement, **with change**, of a previously approved collection for which approval has expired
[ ] f. Existing collection in use without an OMB control number

4. Type of review requested *(check one)*
[X] a. Regular submission [ ] c. Delegated
[ ] b. Emergency - Approval requested by (date):

5. Will this information collection have a significant economic impact on a substantial number of small entities?
[ ] a. Yes [X] b. No

6. Requested expiration date
[ ] a. Three years from approval date
[X] b. Other (Specify): 08/31/98

7. Title
10 CFR 73, Physical Protection of Plants and Materials

8. Agency form number(s) *(if applicable)*
NA

9. Keywords
Nuclear, Power Plant, Security

10. Abstract
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11. Affected public *(Mark primary with "P" and all others that apply with "X")*
[ ] a. Individuals or households
[P] b. Business or other for-profit
[X] c. Not-for-profit institutions
[ ] d. Farms
[X] e. Federal Government
[X] f. State, Local, or Tribal Government

12. Obligation to respond *(Mark primary with "P" and all others that apply with "X")*
[ ] a. Voluntary
[ ] b. Required to obtain or retain benefits
[X] c. Mandatory

13. Annual reporting and recordkeeping hour burden
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1. Percentage of these responses collected electronically: 2 %
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d. Current OMB inventory: 410,602
e. Difference: 0
f. Explanation of difference
1. Program change:
2. Adjustment:

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*
a. Total annualized capital/startup costs: 0
b. Total annual costs (O&M):
c. Total annualized cost requested: 0
d. Current OMB Inventory:
e. Difference: 0
f. Explanation of difference
1. Program change:
2. Adjustment:

15. Purpose of information collection
(Mark primary with "P" and all others that apply with "X")
[ ] a. Application for benefits
[ ] b. Program evaluation
[ ] c. General purpose statistics
[ ] d. Audit
[ ] e. Program planning or management
[ ] f. Research
[X] g. Regulatory or compliance

16. Frequency of recordkeeping or reporting *(Check all that apply)*
[X] a. Recordkeeping [ ] b. Third-party disclosure
[X] c. Reporting
[X] 1. On occasion [ ] 2. Weekly [ ] 3. Monthly
[ ] 4. Quarterly [ ] 5. Semi-annually [X] 6. Annually
[ ] 7. Biennially [ ] 8. Other (describe)

17. Statistical methods
Does this information collection employ statistical methods?
[ ] Yes [X] No

18. Agency contact *(person who can best answer questions regarding the content of this submission)*
Name: Dr. Sandra Frattali
Phone: (301) 415-6261

OMB 83-I 10/95

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention periods for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

(i) Why the information is being collected;

(ii) Use of information;

(iii) Burden estimate;

(iv) Nature of response (voluntary, required for a benefit, or mandatory);

(v) Nature and extent of confidentiality; and

(vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions).

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date
Susan F. Crawford	4/1/97

SUPPORTING STATEMENT

FOR

10 CFR Part 73

CHANGES TO NUCLEAR POWER PLANT PHYSICAL SECURITY REQUIREMENTS

(3150-0002)

Description of the Information Collection

Section 73.55(d)(7)(i)(A) requires nuclear power plant licensees to establish, maintain, and update access authorization lists for vital area access.

This requirement is used to limit unescorted access to vital areas during nonemergency conditions to individuals who require access in order to perform their duties. Currently section 73.55(d)(7)(i)(A) requires establishing, maintaining, and updating access authorization lists for each separate access vital area, which average about 10 per site.

A. Justification

1. Need for and Practical Utility of the Collection of Information

The requirement to establish, maintain, and update access authorization lists for vital areas is necessary to limit unescorted access to vital areas during nonemergency conditions to individuals who require access in order to perform their duties in order to protect public health and safety.

In the new § 73.33(d)(7)(i)(A) the NRC is proposing to reduce the information collection burden to the licensee by requiring them to maintain only one combined list for all vital areas on a site.

This requirement will reduce the burden on the licensee without adversely affecting public health and safety.

2. Agency Use of Information

The NRC will use this information during inspections of licensees to verify that a current access authorization list is maintained.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. Moreover, the NRC encourages its use. However, because of the type of information to be maintained, the information doesn't lend itself to the use of technicalogical collection techniques.

4. Effort to Identify Duplication and Use Similar Information

No similar information is available. The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found.

5. Effort to Reduce Small Business Burden

No small businesses are affected by the information collection requirements.

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

Less frequent collection than that in the proposed rule would result in degrading the physical security at nuciear power reactors and have a negative affect on public health and safety.

7. Circumstances Which Justify Variations From OMB Guidelines.

There are nc variations from OMB guidelines.

8. Consultations Outside the Agency

The proposed rule will be published for public comment.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

NRC provides no pledge of confidentiality for this collection of information.

11. Justification for Sensitive Questions

None

12. Estimate of Reduction in Burden and Burden Hour Cost

REPORTING BURDEN

Section	Frequency of Response	Annual Responses	Hrs/Response	Annual Burden	Industry Cost ($30/hr)*
current	monthly	9,000**	1	9,000 hrs	$270,000
proposed	monthly	900***	1.5	1,350 hrs	$ 40,500
	quarterly (additional)		0.5	150 hrs	4,500
Reduction in burden		8,100 responses		7,500 hrs	$225,000

* cost of a clerk (loaded)

** of 10 vital areas per site (average) each requiring 12 responses per year from 75 industry sites

*** one combined vital area list requiring 12 responses per year from 75 industry sites, 300 of these responses take an additional 0.5 hrs because of the quarterly requirement for reapproval

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Government

None.

15. Reasons for Change in Burden

The burden will be reduced by allowing licensees to maintain one current combined access authorization list rather than requiring them to maintain separate lists for each vital area.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication could become obsolete, would be unduly burdensome and too difficult to keep current.

18. Exemptions to the Certification Statement

There are no exceptions.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.

Proposed Rules

Federal Register
Vol. 62, No. 34
Thursday, February 20, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB30

Pre-Loan Procedures for Electric Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing a minor amendment to its pre-loan procedures that will clarify that use of a conventional utility indenture as a security instrument for loans to power supply borrowers is permissible. This amendment will give these borrowers and RUS the flexibility to address the complex issues surrounding power supply loans in the rapidly changing electric industry. The rule will also enhance loan security and, by conforming more closely to private lending practice, allow easier access to private sector financing.

In the final rules section of this **Federal Register**, RUS is publishing this action as a direct final rule without prior proposal because RUS views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule and the action will become effective at the time specified in the direct final rule. If RUS receives adverse comments, a document will be published withdrawing the effective date of the direct final rule and all public comments received will be addressed in a subsequent final rule based on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received March 24, 1997.

ADDRESSES: Written comments should be sent to F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 2230–S, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250–1522. RUS requires, in hard copy, a signed original and 3 copies of all comments (7 CFR 1700.30(e)). Comments will be available for public inspection during regular business hours at Room 4034, South Building, U.S. Department of Agriculture, Washington, DC 20250 between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 2230–S, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250–1522. Telephone: 202–720–0736. FAX: 202–720–4120. E-mail: fheppe@rus.usda.gov.

SUPPLEMENTARY INFORMATION: See the Supplementary Information provided in the direct final rule located in the final rules section of this **Federal Register** for the applicable supplementary information on this action.

Authority: 7 U.S.C. 901 *et seq.*

Dated: February 10, 1997.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 97–3991 Filed 2–19–97; 8:45 am]

BILLING CODE 3410–15–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150–AF53

Changes to Nuclear Power Plant Security Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to revise its regulations to delete certain security requirements associated with an internal threat. This action follows reconsideration by the NRC of nuclear power plant physical security requirements to identify those requirements that are marginal to safety, redundant, or no longer effective. This action would reduce the regulatory burden on licensees without compromising physical protection against radiological sabotage required for public health and safety.

DATES: Submit comments by May 6, 1997. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Docketing and Service Branch.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking as discussed under Electronic Access in the Supplementary Information Section.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Frattali, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6261, e-mail sdf@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

In a memorandum dated September 3, 1991 (COMFR–91–005), the Commission requested the NRC staff to re-examine the security requirements associated with an internal threat to nuclear power plants that are contained in 10 CFR Part 73, "Physical Protection of Plants and Materials." The NRC staff completed its re-examination and recommended some changes in 10 CFR Part 73 to the Commission (SECY–92–272, August 4, 1992). In a Staff Requirements Memorandum dated November 5, 1992, the Commission directed the NRC staff to work with the Nuclear Management and Resources Council (NUMARC) now known as the Nuclear Energy Institute (NEI). Following three public meetings with NUMARC, the NRC staff recommended to the Commission (SECY–93–326, December 2, 1993) additional changes to

Part 73 that would provide significant relief to licensees without compromising the physical security of the plants. In a Staff Requirements Memorandum dated February 18, 1994, the Commission directed the NRC staff to proceed with a rulemaking.

Discussion

Seven areas in Part 73 were identified as candidates for modification through rulemaking. One of the recommended changes, relating to access of personnel and materials into reactor containments during periods of high traffic, has been addressed by a separate rulemaking. This recommended change was adopted in a final rule published on September 7, 1995 (60 FR 46497). Six other changes originally considered for this rulemaking were the subject of Generic Letter 96–02 issued February 13, 1996. This generic letter identified certain areas in which licensees might choose to revise their physical security plans without having to wait for issuance of the rule plan. One of these (discussed in detail later), an option to leave vital area doors unlocked provided certain compensatory measures are taken, has been reconsidered in light of recent tampering events. Consequently, that change is not being proposed in this rulemaking.

The five remaining changes being addressed in this proposed rulemaking are as follows:

1. Search requirements for on-duty guards, § 73.55(d)(1);
2. Requirements for vehicle escort, § 73.55(d)(4);
3. Control of contractor employee badges, § 73.55(d)(5);
4. Maintenance of access lists for each vital area, § 73.55(d)(7)(i)(A); and
5. Key controls for vital areas, § 73.55(d)(8).

1. Search Requirements for On-duty Guards (§ 73.55(d)(1)).

Under current regulations, armed security guards who leave the protected area as part of their duties must be searched for firearms, explosives, and incendiary devices upon re-entry into the protected area. Requiring a guard to go through an explosives detector or searching packages carried by the guard protects against the introduction of contraband. Because an armed guard carries a weapon on site, passage of the guard through the metal detector, the principal purpose of which is to detect firearms, serves little purpose. The guard has to either remove the weapon while passing through the detector or be subject to a hand search. Either approach makes little sense for the guard who is authorized to carry a weapon on site. Further, removing and handling the guard's weapon could present a personnel safety risk.

This proposed rule would allow armed security guards who are on duty and have exited the protected area on official business to reenter the protected area without being searched for firearms (by a metal detector). Unarmed guards and watchpersons would continue to meet all search requirements. All guards would continue to be searched for explosives and incendiary devices because they are not permitted to carry these devices into the plant.

2. Requirements for Vehicle Escort § (73.55(d)(4)).

The present requirement for a searched, licensee-owned vehicle within the protected area to be escorted by a member of the security organization, even when the driver is badged for unescorted access, does not contribute significantly to the security of the plant. Under the current regulations, all vehicles must be searched prior to entry into the protected area except under emergency conditions. Further, all vehicles must be escorted by a member of the security organization upon entry into the protected area except for "designated licensee vehicles." Designated licensee vehicles are those vehicles that are limited in their use to onsite plant functions and remain in the protected area except for operational, maintenance, repair, security, and emergency purposes. Under this requirement, those licensee-owned vehicles that are not "designated licensee vehicles" must be escorted at all times while in the protected area even when they are driven by personnel with unescorted access.

This proposed rule would eliminate the requirement for escort of licensee-owned vehicles entering the protected area for work-related purposes provided that these vehicles are driven by licensee employees who have unescorted access. (This amendment would still preclude periodic entry of a delivery truck without an escort.) This change would provide burden relief to licensees without significantly increasing the level of risk to the plant.

3. Control of Contractor Employee Badges (§ 73.55(d)(5)).

Contractor employees with unescorted access are required to return their badges when leaving the protected area. Current regulatory practice allows licensee employees to leave the protected area with their badges if adequate safeguards are in place to ensure that the security of the badge is not jeopardized. Because contractors and licensees are subject to the same programs required for unescorted access, there is no reason to employ more stringent badge control requirements for contractor employees.

This proposed rule would allow contractor employees to take their badges offsite under the same conditions that apply to licensee employees.

4. Maintenance of Access Lists for Each Vital Area (§ 73.55(d)(7)(i)(A)).

Maintaining separate access lists for each vital area and reapproval of these lists on a monthly basis is of marginal value. At many sites, persons granted access to one vital area also have access to most or all vital areas. Therefore, licensees presently derive little additional benefit from maintaining discrete lists of individuals allowed access to each separate vital area in the facility. Also, licensee managers or supervisors are required to update the access lists at least once every 31 days to add or delete individuals from these lists when appropriate. There is also a requirement to reapprove the list every 31 days. However, reapproval of all individuals on the lists at least every 31 days, to validate that the lists have been maintained in an accurate manner is unnecessarily burdensome.

This rulemaking would replace separate access authorization lists for each vital area of the facility by a single listing of all persons who have access to any vital area.

The proposed rulemaking would also change the requirement that the list must be reapproved at least once every 31 days to quarterly. The reapproval consists of a review to ensure that the list is current and that only those individuals requiring routine access to a vital area are included. Because of the requirement for a manager or supervisor to update the list at least every 31 days, conducting this comprehensive reapproval every 31 days is of marginal value. Comments from the public are requested on the question of the benefits of separating the update and reapproval requirements.

5. Key Controls for Vital Areas (§ 73.55(d)(8)).

Under current regulations, licensees change or rotate all keys, locks, combinations, and related access control devices at least once every twelve months. Because the rule also requires that these be changed whenever there is a possibility of their being compromised, requiring change at least every 12 months has been determined