NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 73

RIN 3150–AF63

Frequency of Reviews and Audits for Emergency Preparedness Programs, Safeguards Contingency Plans, and Security Programs for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to allow nuclear power reactor licensees the option to change the frequency of licensees' independent reviews and audits of their emergency preparedness programs, safeguards contingency plans, and security programs. The amendment allows nuclear power reactor licensees to elect to conduct program reviews and audits either at intervals not to exceed 12 months as is currently required, or as necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect the emergency preparedness program, the safeguards contingency plan, and security program, but no longer than 12 months after the change. In any case, each element of the emergency preparedness program, the safeguards contingency plan, and the security program must be reviewed at least every 24 months. This action will reduce the regulatory burden on licensees without compromising public health and safety.

EFFECTIVE DATE: April 28, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra D. Frattali, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–3703, e-mail sdf@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1997 (62 FR 40978), the NRC published a proposed rule in the **Federal Register** to amend the NRC's regulations for the frequency of program reviews and audits for emergency preparedness programs, safeguards contingency plans, and security programs at nuclear power reactors. This rulemaking was developed in response to two petitions for rulemaking submitted by Virginia Power Company, PRM 50–59 and PRM 50–60. These petitions were published for public comment by the NRC in the **Federal Register** (59 FR 23641; April 13, 1994, and 59 FR 17449; May 6, 1994, respectively). This final rule grants the petitioner's request in each of these petitions with some additional qualifications and conditions. This final rule completes NRC action on PRM–50–59 and PRM–50–60.

As written, the proposed rule would have required all power reactor licensees to conduct program reviews and audits in response to program performance indicators or after a significant change in personnel, procedures, equipment, or facilities, but in no case less frequently than every 24 months. Although the proposed rule was a reduction in the burden on the power reactor licensees, the requirements might have constituted a backfit for some licensees as they would be required to make procedural changes and possibly take other actions. Therefore, the final rule has been modified to allow the licensees the option of continuing to use the current regulations and thus a backfit analysis is not required for this proposed action.

The following sections of 10 CFR Parts 50 and 73 are amended by this rulemaking: requirements pertaining to the review frequency of safeguards contingency plans by power reactor licensees contained in § 50.54(p)(3) and in Appendix C to Part 73; [1] requirements for security program reviews contained in § 73.55(g)(4); and requirements pertaining to the frequency of program reviews of the emergency preparedness program by nuclear power reactor licensees contained in § 50.54(t).

Public Comments

Ten public comments were received, one from an Agreement State, one from a utility industry group, and eight from licensees. The only comment that did not support the rulemaking was from the State of Illinois, the Agreement State. The utility group supported the rule with comments. Of the eight licensee commenters that supported the rulemaking, two supported the rulemaking with no additional comments, three supported the rulemaking with additional comments, one supported the industry group's comments and two supported the industry group's comments with additional comments. The NRC had specifically requested public comments on performance indicators appropriate for the emergency preparedness and security programs that would amplify the regulation. Three of the industry commenters responded to this request, but only one suggested specific performance indicators.

Copies of the letters are available for public inspection and copying for a fee at the Commission's Public Document Room, located at 2120 L Street, NW (Lower Level), Washington, DC.

The public comments were grouped and are discussed below.

Comment Resolution

Performance Indicators

Performance indicators are used by nuclear operating organizations to provide a quantitative indication of plant performance. A performance indicator is a parameter derived from plant performance data that can be correlated with individual plant regulatory and safety performance. Licensees typically utilize performance indicators to gain additional perspective on plant activities and to provide an indication of the possible need to adjust priorities and resources to achieve improved overall performance. Performance indicators as related to this rulemaking refer to numerical parameters generally derived from quantitative data to monitor the performance and gain insight to the effectiveness of the emergency preparedness and security programs.

Performance indicators are usually derived from data in a way that provides measurement of success in a summary fashion. Some examples of performance indicators for emergency preparedness are:

- Emergency response facility availability,
- Completeness of emergency preparedness duty roster personnel training,
- Quality of response to declared plant emergencies,
- Timeliness of corrective action closure,
- Measure of state and local interface, and
- Percentage of drill objectives successfully demonstrated.

Some examples of performance indicators for physical security programs (including safeguards contingency plans) are:

- Exercise and drill performance
- Instances of unescorted access granted incorrectly,
- Instances of uncompensated degradation of security equipment,
- Compensatory hours expended due to equipment failures,

[1] Note that this appendix is currently cited by both § 73.46, which applies to nuclear fuel licensees, and § 73.55, which applies to nuclear power reactor licensees. This rulemaking applies only to nuclear power reactors.

- Test failures involving security equipment,
- False/nuisance alarm rates, and
- Nature, frequency, and type of equipment failures.

Performance indicators are generally intended to monitor success in performing an activity relative to a success level identified as acceptable. For a performance indicator to be meaningful a level of acceptable success is identified. This may be based on historical success levels, common industry success levels, design parameters, management expectations, improvement goals, or other such bases. Performance that is indicated as being below the acceptable success level would indicate the need for a program review or audit of the affected area.

The proposed rule specifically requested suggestions for performance indicators. Only one commenter replied directly with suggestions for emergency preparedness indicators. This commenter also indicated that the performance indicators for security would be difficult to manage and an industry consensus would be extremely difficult to reach on this issue. The commenter noted that some performance indicators for security are tracked differently between plants or not at all. One commenter wanted performance standards or measurements to be defined and approved in industry guidelines. One commenter wanted each utility to be allowed to develop its own performance indicators. The industry group stated its interest in developing industry guidance for this new approach. Because of the licensees' experience in implementing and performing self-assessment of their programs, the NRC has decided that at this time it will be the responsibility of the individual utilities to define their own performance indicators. Industry development of performance indicators is to be encouraged.

Additional information concerning performance indicators is included in the Inspection and Enforcement section.

Audit Frequency

The State of Illinois commented that the current requirement for annual emergency preparedness audits [2] does not constitute an excessive burden, especially when offsite agencies must certify annually that their emergency preparedness plan meets NUREG–0654 Rev.1/FEMA–REP–1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,'' [3] and that a review every 24 months is not sufficiently frequent to ensure that all the multiple and complex aspects of an emergency preparedness plan remain current. Another commenter believed that specifying any maximum frequency is not necessary but, if one is specified, it should be defined in an industry developed standard. Another commenter specifically stated that performance-based testing to correct demonstrated weaknesses is significantly better than schedule-driven audits but did not object to the 24-month requirement. The other commenters agreed with the rule as written.

The comments of the State of Illinois in response to the original publication of the petitions were the same as the State's comments in response to the proposed rulemaking. In each comment, Illinois expressed concern with lengthening the period between reviews. This concern was addressed by clarifying that more frequent, focused program reviews and audits may be required, based on an assessment of security or emergency preparedness by the licensee against performance indicators or after a change in licensee personnel, procedures, equipment, or facilities that potentially could adversely affect emergency preparedness or security. Although some commenters believed that there should be no maximum audit period specified, most commenters had no problem with the proposed frequency of not less than 24 months. The final rule retains this specified frequency.

Audit Procedures

One commenter said that the rule would add an additional layer of requirements, especially in security. This commenter wanted to eliminate the requirement to audit [4] in response to a significant change in personnel, procedures, equipment, or facilities. The commenter also wanted a clear specification in the rule that the audit frequency should be altered only after the licensee has determined that a significant change has occurred. The rule change has been made an additional voluntary option. The licensee has the option to maintain the current review intervals, which does not add an additional layer of requirements. Alternatively, under the new option, it is the licensee who determines when a review is necessary, and the rule language has been changed to replace the phrase ''significant change in personnel, procedures equipment or facilities'' with ''a change in personnel, procedures, equipment or facilities, that potentially could adversely affect emergency preparedness or security.''

One commenter wanted to eliminate all the requirements for audits. One commenter wanted clear and standard criteria for emergency preparedness audits. One commenter wanted the level of independence required for reviewers and the qualifications of the persons conducting the reviews to be clarified. Finally, one commenter observed that the review of performance should be against the emergency plan.

If the licensee chooses to maintain the current rule intervals, there is no additional layer of requirements. The final rule adds a voluntary option. If the licensee chooses to implement it, it relaxes the existing requirement for frequency of audits, and provides decision criteria for determining when focused audits need to be conducted, but makes no changes in how those audits and reviews are conducted.

Definitions and Clarifications

There were a few requests from commenters to define the terms ''significant,'' ''significant change,'' ''as necessary,'' and ''reasonably practical.'' The terms ''significant'' and ''significant change'' in the rule language have been replaced with the words ''a change that potentially could adversely affect emergency preparedness or security.'' The term ''as necessary'' is a function of the nature of the change. The scope and depth of the review would be expected to vary with the change. Thus, judgment will need to be exercised in making the decisions. Similarly, ''reasonably practicable'' is a function of the significance of the change and needs to be factored into the scope and depth of review. Other changes in the rule language from the proposed rule were editorial in nature to make the rule language more understandable.

Another commenter observed that the NRC should use the terms ''review'' and ''audit'' consistently. The Commission notes that the emergency planning regulations use the term ''program reviews,'' and the security program and safeguards contingency plan regulations also use ''reviews.'' When describing the requirements for a ''review'' of the physical security plan, the regulations use the term ''audits'' for some of the requirements. These amendments do not change the use of any of these terms from the previous text of the rule, and are consistent with other NRC regulatory usage of these terms.

[2] Although the commenter used the term ''audits,'' the term used in the emergency planning regulations is ''reviews.''

[3] Available from the National Technical Information Service, Springfield, VA 22161.

[4] See footnote 2.

The NRC does not require that the reviews and audits addressed in this rulemaking be performed by the QA organization in accordance with the QA program commitments for the conduct of the audits. The NRC expects these audits to be conducted by individuals who are qualified (technically competent) in the subjects being audited and are independent of the program to ensure objectivity and no conflict of interest. At the licensee's option, the QA organization may perform, lead, or assist in these audits.

Regulatory Action

The public comments have been considered as discussed above, and the final rule amendment is promulgated as a voluntary option, with changes made to the proposed rule language to clarify the requirements and address public comments. One comment, that the NRC should implement performance-based regulations across the full spectrum of emergency preparedness and security requirements, is beyond the scope of this rulemaking. These revisions are consistent with those requested in the two petitions for rulemaking (PRM 50–59 and PRM 50–60) and will promote performance-based rather than compliance-based review and audit activities.

Inspection and Enforcement

This rulemaking revises the regulations to allow licensees the option to conduct focused program reviews and audits of their emergency preparedness programs, safeguards contingency plans, and security programs as needed, either based on an assessment by the licensee against performance indicators or in response to a change in personnel, procedures, equipment, or facilities, that potentially could adversely affect emergency preparedness or security, and it requires in any case that all program elements be reviewed and audited at least every 24 months. The focused program reviews by the licensees following changes in licensee personnel, procedures, or equipment that potentially could adversely affect emergency preparedness or security are to be performed as soon as reasonably practicable, but no later than 12 months after the changes. Inspection procedures will be changed to reflect the revised rule. The NRC will review the performance indicators developed by licensees choosing this option and observe whether and to what extent these performance indicators are assisting licensees in conducting their program reviews. The NRC will use this experience to determine if specific and additional guidance should be developed.

The Commission recognizes that licensees will need to exercise judgement in light of the nature of the variety of changes that may occur and the difficulty of defining in advance, except in general terms, the threshold of changes that potentially could adversely affect emergency preparedness and security. Accordingly, where the licensee has made a good faith effort in making the judgements needed to comply with this rule, the staff intends not to make citations unless the licensee's actions were clearly unreasonable. In the absence of willfulness, these violations are expected to be Severity Level IV violations.

Environmental Impact: Categorical Exclusion

The Commission has determined that this final 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 final rule.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget, approval numbers 3150–0002 and 3150–0011.

If the licensee chooses the option of focused reviews and audits as the final rule allows, the public burden for this information collection is expected to be decreased by approximately 275 hours per licensee per year. This reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

Send comments on any aspect of this information collection, including suggestions for further reducing the burden, to the Records Management Branch (T–6 F 33), 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, –0011), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

This rulemaking revises the regulations to allow licensees to conduct program reviews and audits of their emergency preparedness programs, safeguards contingency plans, and security programs either:

(i) At intervals not to exceed 12 months as is currently required, or

(ii) As necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect the emergency preparedness program, the safeguards contingency plan, and the security program, but no longer than 12 months after the change. In any case, each element of the emergency preparedness program, the safeguards contingency plan, and the security program must be reviewed at least every 24 months .

The optional changes, if elected by the licensee, represent a potential cost savings because it is anticipated that fewer reviews and audits will be necessary. Most licensees include the safeguards contingency plan as part of the physical security program, and one audit (review) covers both. Information provided by licensees on the cost for conducting reviews and audits of the licensee emergency preparedness and physical security programs varies, but is estimated to cost approximately $15,000 per annual review or audit, for a total of $30,000 annually for both audits (reviews). Each element of the program is audited (reviewed) at least once every 24 months. The potential maximum savings of 50 percent to licensees in the emergency preparedness and physical security program audit costs is an estimated $30,000 per licensee every 24 months. The total cost savings to the industry is approximately $1.1M per year. Even if some elements of the programs are audited more frequently, the cost to the licensee will likely be less than auditing the entire program every year. Limited focused audits that address changes in personnel, procedures, equipment, or facilities, that potentially could adversely affect emergency preparedness or security, will cost about $5,000 per year if they are needed. There is no additional cost anticipated for collecting and analyzing program performance indicators since most licensees already do so in some fashion.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this final rule does not have a significant economic impact on a substantial number of small entities. This final rule affects only licensees authorized to operate nuclear power reactors. These licensees do not fall within the scope of the definition of ''small entities'' under the size standards developed by the NRC and codified in 10 CFR 2.810.

Backfit Analysis

In the proposed rule, the NRC took the position that the backfit rule, 10 CFR 50.109, did not apply because it did not propose new requirements on existing 10 CFR Part 50 licensees except to reduce the frequency with which licensees conduct independent reviews and audits of their emergency preparedness programs, safeguards contingency plans, and security programs. Since this action did not impose any new or increased requirements in this area, no backfit was intended or approved in connection with this rule change. Therefore, a backfit analysis was not prepared for this amendment. However, upon further review, the NRC has concluded that there is an insufficient basis to support the original position. Some licensees may not have performance indicators and may find it necessary to develop them. In such a case a backfit analysis would be required. Therefore, the final rule has been revised so that the changes are an additional voluntary option and power reactor licensees may elect to continue to follow the current requirements. Making the new requirements optional obviates the need for a backfit analysis for this proposed action.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a ''major rule'' and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and record keeping requirements.

10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Export, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and record keeping 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 adopting the following amendments to 10 CFR Parts 50 and 73.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Section 50.37 also issued under E.O. 12829, 3 CFR 1993 Comp., p. 570; E.O. 12958, as amended, 3 CFR, 1995 Comp., p. 333; E.O. 12968, 3 CFR 1995 Comp., p. 391. Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80—50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C 2237).

2. Section 50.54 is amended by revising paragraphs (p)(3) and (t), and adding (p)(4) to read as follows:

§ 50.54 Conditions of license.

* * * * *

(p) * * *

(3) The licensee shall provide for the development, revision, implementation, and maintenance of its safeguards contingency plan. The licensee shall ensure that all program elements are reviewed by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program either:

(i) At intervals not to exceed 12 months, or

(ii) As necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect security, but no longer than 12 months after the change. In any case, all elements of the safeguards contingency plan must be reviewed at least once every 24 months.

(4) The review must include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards systems along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of 3 years.

* * * * *

(t)(1) The licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. The licensee shall ensure that all program elements are reviewed by persons who have no direct responsibility for the implementation of the emergency preparedness program either:

(i) At intervals not to exceed 12 months or,

(ii) As necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect emergency preparedness, but no longer than 12 months after the change. In any case, all elements of the emergency preparedness program must be reviewed at least once every 24 months.

(2) The review must include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and retained for a

period of 5 years. The part of the review involving the evaluation for adequacy of interface with State and local governments must be available to the appropriate State and local governments.

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PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

3. 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, 2953 (42 U.S.C. 5841, 5844, 2297(f)).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 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).

4. Section 73.55 is amended by revising paragraph (g)(4) to read as follows:

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

* * * * *

(g) * * *

(4)(1) The licensee shall review implementation of the security program by individuals who have no direct responsibility for the security program either:

(i) At intervals not to exceed 12 months, or

(ii) As necessary, based on an assessment by the licensee against performance indicators and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect security but no longer than 12 months after the change. In any case, each element of the security program must be reviewed at least every 24 months.

(2) The security program review must include an audit of security procedures and practices, an evaluation of the effectiveness of the physical protection system, an audit of the physical protection system testing and maintenance program, and an audit of commitments established for response by local law enforcement authorities. The results and recommendations of the security program review, management's findings on whether the security program is currently effective, and any actions taken as a result of recommendations from prior program reviews must be documented in a report to the licensee's plant manager and to corporate management at least one level higher than that having responsibility for the day-to-day plant operation. These reports must be maintained in an auditable form, available for inspection, for a period of 3 years.

* * * * *

5. Appendix C to 10 CFR Part 73, Licensee Safeguards Contingency Plans, is amended by revising the section titled ''Audit and Review'' to read as follows:

Appendix C to Part 73—License Safeguards Contingency Plans

* * * * *

Audit and Review

(1) For nuclear facilities subject to the requirements of § 73.46, the licensee shall provide for a review of the safeguards contingency plan at intervals not to exceed 12 months. For nuclear power reactor licensees subject to the requirements of § 73.55, the licensee shall provide for a review of the safeguards contingency plan either:

(i) At intervals not to exceed 12 months, or

(ii) As necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect security, but no longer than 12 months after the change. In any case, each element of the safeguards contingency plan must be reviewed at least every 24 months.

(2) A licensee subject to the requirements of either § 73.46 or § 73.55 shall ensure that the review of the safeguards contingency plan is by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review must include an audit of safeguards contingency procedures and practices, and an audit of commitments established for response by local law enforcement authorities.

(3) The licensee shall document the results and the recommendations of the safeguards contingency plan review, management findings on whether the safeguards contingency plan is currently effective, and any actions taken as a result of recommendations from prior reviews in a report to the licensee's plant manager and to corporate management at least one level higher than that having responsibility for the day-to-day plant operation. The report must be maintained in an auditable form, available for inspection for a period of 3 years.

Dated at Rockville, Maryland, this 9th day of March, 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–7597 Filed 3–26–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR part 25

[Docket No. NM153, Special Conditions No. 25–143–SC]

Special Conditions: Learjet Model 35, 35A, 36, 36A Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Learjet Model 35, 35A, 36, 36A airplanes modified by Learjet, Inc. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is March 19, 1999; Comments must be received on or before April 28, 1999.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANM–7), Docket No. NM153, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked: Docket No. NM153. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ross Landes, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–1071; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions