

remainder of the probationary period upon reinstatement provided the employee is reinstated within 90 days of termination of service as a volunteer or training for such service.

(d) The probationary period for part-time employees is computed on the basis of calendar time, in the same manner as for full-time employees. For intermittent employees, i.e., those who do not have regularly scheduled tours of duty, each day or part of a day in pay status counts as 1 day of credit toward the 260 days in a pay status required for completion of probation. (However, the probationary period cannot be completed in less than 1 year of calendar time.)

7. In § 315.804, the existing text is designated as paragraph (a) and paragraph (b) is added, to read as follows:

§ 315.804 Termination of probationers for unsatisfactory performance or conduct.

* * * * *

(b) Probation ends when the employee completes his or her scheduled tour of duty on the day before the anniversary date of the employee's appointment. For example, when the last workday is a Friday and the anniversary date is the following Monday, the probationer must be separated before the end of the tour of duty on Friday since Friday would be the last day the employee actually has to demonstrate fitness for further employment.

8. Section 315.902 is revised to read as follows:

§ 315.902 Definitions.

In this subpart *supervisory position* and *managerial position* have the meaning given them by the General Schedule Supervisory Guide.

9. In § 315.906, paragraph (b) is revised and new paragraphs (c), (d), and (e) are added, to read as follows:

§ 315.906 Crediting service toward completion of the probationary period.

* * * * *

(b) Service on detail, temporary promotion, or reassignment to another supervisory or managerial position while serving probation is creditable toward completion of probation. Service in a nonsupervisory or nonmanagerial position is not creditable.

(c) Absence in nonpay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. Absence (whether on or off the rolls) due to compensable injury or military duty is creditable in full upon restoration to Federal service. Nonpay time in excess of 22 workdays extends the

probationary period by an equal amount.

(d) Service during a probationary period from which an employee was separated or demoted for performance or conduct reasons does not count toward completion of probation required under a subsequent appointment. In other situations in which an employee does not complete probation, service is creditable as determined by agency policy.

(e) Temporary service in a supervisory or managerial position under temporary appointment, promotion, or reassignment *prior to probation* is creditable as determined by agency policy. Prior service under a detail may be credited only when a detail to a supervisory or managerial position is made permanent without a break in service.

10. In § 315.907, paragraph (b) is revised to read as follows:

§ 315.907 Failure to complete the probationary period.

* * * * *

(b) A nonsupervisory or nonmanagerial employee who is demoted into a position in which probation under § 315.904 is required and who, for reasons of supervisory or managerial performance, does not satisfactorily complete the probationary period is entitled to be assigned to a position at the same grade and pay as the position in which he or she was serving probation. The employee is eligible for repromotion in accordance with agency promotion policy.

[FR Doc. 95-25582 Filed 10-13-95; 8:45 am]
BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50, 70, and 72

RIN 3150-AF27

Physical Security Plan Format Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to eliminate the requirement for applicants for power reactor, Category I fuel cycle, and spent fuel storage licenses to submit physical security plans in two parts. This action is necessary to allow for a quicker and more efficient review of the physical security plans.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT:

Carrie Brown, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-8092.

SUPPLEMENTARY INFORMATION: Under current NRC regulations, applicants for power reactor, Category I fuel cycle, and spent fuel storage licenses must submit physical security plans in two parts. Applicants for power reactor, Category I fuel cycle, and spent fuel storage licenses are required to address, in Part 1 of their plans, how they will comply with the applicable regulations of 10 CFR Parts 11 and 73. They are required to list, in Part 2 of their plans, any test, inspections, audits and any other means to be used to demonstrate compliance with the regulations.

The two-part format is restrictive and has no regulatory advantage. Existing licensees with physical security plans approved before the effective date of the final rule will not be required to adopt the new format. These licensees, however, may revise their plans on a voluntary basis, pursuant to the rules that permit licensees to make changes in security plans that do not decrease the effectiveness of the plans. This final rule will not change any of the substantive content currently required in the physical security plans.

The benefit of this rulemaking is the elimination of an unnecessary requirement and there are no expected adverse impacts. For those licensees who desire to revise their physical security plans, the staff has revised Regulatory Guide, 5.52, "Standard Format and Content of a Licensee Physical Protection Plan for Strategic Special Nuclear Material at Fixed Sites (Other than Nuclear Power Plants)," for use as guidance. NRC encourages applicants or licensees to follow such guidance in order to allow for a quicker and more efficient review of the plans.

Summary of Public Comments

The comment period for the proposed rule published April 17, 1995 (60 FR 19170), closed on May 17, 1995. Two comments were received. The following comment summary and resolution address these comments.

Comment. This commenter complimented NRC for eliminating unnecessary requirements and commented on one statement, in the "Supplementary Information" section, that says licensees may " * * * revise their plans on a voluntary basis pursuant to the rules that permit licensees to make changes in security plans that do not decrease the effectiveness of the plan." The

commenter discussed a Generic Letter that is being developed by the Office of Nuclear Reactor Regulation entitled, "Standardization of Security Program Reviews," and encouraged the issuance of the draft Generic Letter for comment as soon as possible.

Response. The Generic Letter was published in the Federal Register on June 14, 1995 (60 FR 31326), with a 30-day comment period.

Comment. This commenter noted that a similar requirement to submit physical security plans in two parts in 10 CFR 72.180 was not addressed and indicated that it should be included.

Response. NRC agrees with the comment and 10 CFR 72.180 has been amended.

Environmental Impact: Categorical Exclusion

NRC has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0009, 0011, and 0132.

Regulatory Analysis

The Commission has not prepared a regulatory analysis on this regulation because the amendment does not involve a question of policy, will have no impact on public health and safety, and will require no additional burden on current licensees.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 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 applicants for power reactor, Category I fuel cycle, and spent fuel storage licenses. Because these licensees are not classified as small entities, as defined by NRC's size standards (10 CFR 2.810), the Commission finds that this final rule does not have a significant economic impact on a substantial number of small entities.

Backfit Analysis

NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to

this final rule, and therefore, that a backfit analysis is not required, because this amendment does not involve any provisions that would impose backfits, as defined in 10 CFR 50.109(a)(1).

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 recordkeeping requirements.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

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. 552 and 553, NRC is adopting the following amendments to 10 CFR Parts 50, 70, and 72.

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 as amended by Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 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). 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. In § 50.34, paragraph (c) is revised to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(c) Each application for a license to operate a production or utilization facility must include a physical security plan. The plan must describe how the applicant will meet the requirements of Part 73 (and Part 11 of this chapter, if applicable, including the identification and description of jobs as required by § 11.11(a), at the proposed facility). The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with the requirements of 10 CFR Parts 11 and 73, if applicable.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

4. In § 70.22, paragraph (h)(1) is revised to read as follows:

§ 70.22 Contents of applications.

* * * * *

(h) (1) Each application for a license to possess or use, at any site or contiguous sites subject to licensee control, a formula quantity of strategic special nuclear material, as defined in § 70.4, other than a license for possession or use of this material in the

operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, must include a physical security plan. The plan must describe how the applicant will meet the applicable requirements of Part 73 of this chapter in the conduct of the activity to be licensed, including the identification and description of jobs as required by 10 CFR 11.11(a). The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with the requirements of 10 CFR Parts 11 and 73, if applicable.

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

5. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

6. Section 72.180 is revised to read as follows:

§72.180 Physical security plan.

The licensee shall establish a detailed plan for security measures for physical protection. The licensee shall retain a copy of the current plan as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the plan is superseded, retain the superseded material for 3 years after each change. This plan must demonstrate how the applicant plans to

comply with the applicable requirements of Part 73 of this chapter and during transportation to and from the proposed ISFSI or MRS and must include the design for physical protection, the licensee's safeguards contingency plan, and the guard training plan. The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

Dated at Rockville, Maryland, this 3rd day of October, 1995.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.
[FR Doc. 95–25542 Filed 10–13–95; 8:45 am]
BILLING CODE 7590–01–P

10 CFR Part 73

Information Meetings Regarding Protection Against Malevolent Use of Vehicles at Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of closed meetings.

SUMMARY: The Nuclear Regulatory Commission (NRC) will conduct closed meetings to provide information it believes would be of interest to nuclear power reactor licensees required to implement a rule published in the Federal Register on August 1, 1994, associated with protection against the malevolent use of vehicles at nuclear power plants. The NRC Office of Nuclear Reactor Regulation will conduct half-day closed workshops for the licensees in NRC Regions II, III, and IV, and at NRC Headquarters for Region I licensees to discuss these issues during the week of October 22, 1995. These workshops are closed to members of the public, or other parties, because Safeguards Information will be discussed. An unclassified summary of the meetings will be prepared by NRC and will be available upon request.

DATES: The closed meetings will be held the week of October 22, 1995. Register by October 16, 1995.

ADDRESSES: NRC Headquarters for Region I licensees and NRC Offices in Regions II, III, and IV.

FOR FURTHER INFORMATION CONTACT: Francis I. Young, United States Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555–0001, Telephone (301) 415–3207.

SUPPLEMENTARY INFORMATION: The auditorium at NRC Headquarters and the regional conference rooms can accommodate up to three

representatives from each facility in that region. It is requested that each licensee planning to send representatives to the workshops provide the names of the attendees to its NRC project manager within the Office of Nuclear Reactor Regulation by October 16, 1995. If a licensee desires to send more than three representatives, it may contact the Safeguards Branch (Elaine Koup at 301–415–2932) after October 18, 1995, for additional spaces, if available.

Dated at Rockville, Maryland, this 6th day of October, 1995.

For the Nuclear Regulatory Commission.
Frederick J. Hebdon,
Director, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.
[FR Doc. 95–25541 Filed 10–13–95; 8:45 am]
BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–19–AD; Amendment 39–9399; AD 95–21–12]

Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters, that requires initial and repetitive inspections of the main rotor (M/R) blade upper and lower surfaces for bulging. This amendment is prompted by two reported incidents in which a balance weight became detached from inside the M/R blade structure and migrated toward the tip of the M/R blade. The actions specified by this AD are intended to detect movement of a balance weight and to prevent severe vibrations and a subsequent precautionary landing.

DATES: Effective November 20, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas