presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4556

National Farm Safety Week, 1978

By the President of the United States of America

A Proclamation

All Americans, and a sizeable portion of the rest of the world's people, depend upon American agriculture for much of their food and fiber. Anything that diminishes the ability of farmers and ranchers to meet these vital needs is of great concern. Farm accidents are among the costliest impediments to production and cause great suffering and economic loss.

Accidents can destroy the lives and bodies, as well as the economic resources of farm families. Neither the individuals involved, nor the Nation, can afford these losses. Farm safety leaders believe that most farm accidents could be prevented with greater care in controlling hazards and unsafe practices—the same kind of dedicated, careful management and attention to detail that has made possible our incredible increase in agricultural production.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning July 25, 1978, as National Farm Safety Week. I call upon the men and women who operate the Nation's farms and ranches to regard safety as an integral part of all their activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc. 78-7852 Filed 3-21-78; 2:36 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 436]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 24-30, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the Act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the Act.

The committee met on March 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges showed some improvement.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to affectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.736 Navel Orange Regulation 436.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 24, 1978, through March 30, 1978, are established as follows: (1) District 1: 847,000 cartons; (2) District 2: 253,000 cartons; (3) District 3: Unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: March 22, 1978.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-7963 Filed 3-22-78; 12:25 am]

[3410-02]

[Valencia Orange Regulation 580]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 24-30, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on March 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is good at this time.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.880 Valencia Orange Regulation 580.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period March 24, 1978, through March 30, 1978, are established as follows: (1) District 1: Unlimited movement; (2) District 2: Unlimited movement; (3) District 3: 200,000 cartons.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 22, 1978.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-7962 Filed 3-22-78; 12:24 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

LICENSED NUCLEAR MATERIALS AND FACILITIES

Licensee Safeguards Contingency Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require that licensees authorized to operate a nuclear reactor (other than certain research and test reactors), and those authorized to possess strategic quantities of plutonium, uranium-233, or uranium-235 develop and implement acceptable plans for responding to threats, thefts, and industrial sabotage of licensed nuclear materials and facilities.

The plans will provide a structured, orderly, and timely response to safeguards contingencies and will be an important segment of NRC's contingency planning programs. Licensee safeguards contingency plans will result in organizing licensee's safeguards resources in such a way that, in the unlikely event of a safeguards contingency, the responding participants will be identified, their several responsibilities specified, and their responses coordinated.

EFFECTIVE DATE: June 6, 1978.

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for review of its reporting requirement under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of the rule becomes effective, unless advised to the contrary, includes a 45-day period which that statute allows for Comptroller General review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT:

Thomas F. Carter, Jr., Chief, Contingency Planning Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 telephone 301-427-4191.

SUPPLEMENTARY INFORMATION: On May 19, 1977, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (42 FR 25744) proposed amendments to 10 CFR Parts 50, 70, and 73 of its regulations. Interested persons were invited to submit written comments and suggestions in connection with the proposed amendments within 60 days after publication in the FEDERAL REGISTER. The Commission also has under consideration other proposed amendments to 10 CFR Part 73 that relate to the response to a safeguards contingency. These were published on July 5, 1977 (42 FR 34310), and were titled, "Performance Oriented Safeguards Requirements." The comment period expired on September 19, 1977.

For administrative convenience the Commission is incorporating some sections of the proposed amendments published on July 5, 1977, in the final rule on safeguards contingency planning. Upon consideration of the comments received on the proposed amendments published on May 19, 1977, and on the pertinent sections of the proposed amendments published on July 5, 1977, and upon consideration of other factors involved, the Nuclear Regulatory Commission has adopted the proposed amendments with certain modifications as set forth below. (The pertinent sections of the proposed rule published on July 5, 1977, are paragraphs 73.26(c)(3)(iii), 73.26(d), 73.46(b)(3)(iii), 73.46(h), 73.55(b)(3)(iii) and 73.55(h).)

Significant differences from the proposed amendments published for comment on May 19, 1977, are: (1) licensees will be required to submit for NRC approval all categories of information in a safeguards contingency plan (as set forth in Appendix C to 10 CFR Part 73) except the implementing Procedures; the proposed rule required that implementing Procedures also be subject to NRC approval as part of the licensing process; (2) the observation that a goal of contingency planning is for licensee responses to be compatible with Federal responses has been removed; (3) the requirement concerning "a statement of the perceived danger" has been clarified by stating that such a statement promulgated by the Commission may be used by the licensee; (4) cross-reference to the licensee's physical security plan is explicitly permitted for topics that are adequately covered in that plan; (5) the requirement for periodic drills or tests of the licensee's safeguards contingency plan has been modified to relieve the licensee from responsibility for testing the response of entities not under the licensee's control; (6) paragraphs 73.50(g) and 73.55(h) have been revised to include an explicit requirement for safeguards contingency plans in accordance with the proposed rule published on July 5, 1977; and (7) the requirements on "Development and Maintenance of the Plan" have been removed from Appendix C of 10 CFR Part 73 and placed at appropriate places in the text of the rule.

The following discussion pertains to items (1) through (7) above.

(1) Several commenters suggested that the fifth category of information (Procedures) contained in a safeguards contingency plan as set forth in Appendix C of 10 CFR Part 73 should not be a part of a licensee's approved safeguards contingency plan because of the lack of flexibility associated with requiring NRC approval or concurrence of day-to-day operations. They cited other precedents in this area, such as § 50.59 of 10 CFR Part 50.

The amendments as proposed contained the flexibility suggested by these comments. In paragraphs 50.54(p) and 70.32(g) as proposed on May 19, 1977, the licensee would not be required to submit changes to the contingency plan to the NRC if the changes did not decrease the plan's effectiveness. Paragraph 50.54(p) has been revised to state this option more explicitly.

In consideration of the comments, however, the Commission has decided to omit the Procedures as part of the licensee safeguards contingency plan approved by the Commission. The procedures, which are derived from the Responsibility Matrix, will be a document that can be changed by the licensee. If the Responsibility Matrix is changed as a result of a procedure change, however, an amendment to the plan must be submitted for approval in accordance with paragraph 50.54(p) or 70.32(g). The Procedures will continue to be a part of the plan, and NRC's Office of Inspection and

Enforcement will insure that they conform to the licensee's Responsibility Matrix.

Paragraphs 50.34(d), 50.54(p), 70.22(g), 70.22(j), 70.32(g), 73.30(g), Section 73.40, and Appendix C to 10 CFR Part 73 have been revised to reflect this change.

(2) Several commenters suggested that the goal of having licensee contingency plans compatible with Federal responses should be the responsibility of the Nuclear Regulatory Commission rather than the licensee's, because the Commission is in a better position to integrate this capability.

The Commission did not intend to imply that licensees were responsible for insuring compatibility of licensee and Federal-level safeguards contingency plans. The goal that the plans be compatible will be achieved through licensee plans prepared in accordance with the "Standard Format and Content" guides that the Commission is furnishing to the licensees. The Commission will assure that the guides provide for the desired compatibility.

Nevertheless, because the statement regarding compatibility of licensee and Federal responses has been subject to misinterpretation, it has been deleted from the introduction to Appendix C of 10 CFR Part 73.

(3) Several commenters believed that a "statement of the perceived danger" is in the purview of the Commission and that further theorizing by the licensee on additional threats would be a drain on resources already allocated to implement existing plans.

The requirement for the licensee to submit a "statement of the perceived danger" in the *Background* section of his safeguards contingency plan (cf. Appendix C to 10 CFR Part 73) has been modified to permit the licensee to incorporate such a statement promulgated by the Commission if the licensee chooses to do so. However, the licensee should examine his facility or operation to determine its vulnerabilities in light of the adversary characteristics postulated by the Commission. This examination would make the licensee more aware of the total scope of a response and could promote the generation of additional stimuli in the Generic Planning Base.

(4) Many comments dealt with the contention that contingency plans duplicate other plans. Recommendations were made to combine all security-related plans into a single plan.

The licensee or applicant may submit a single security-related plan as long as he assures that all requirements of Appendix C of 10 CFR Part 73 have been addressed. The three "Standard Format and Content" guides that are being issued concurrently with these amendments provide guidance developed by the staff on the kind of information needed in the safeguards contingency plan and also permit reference to information that may have been submitted in an existing security plan. Section 50.34(d) and Appendix C (under Licensee Planning Base) have been revised to more explicitly state the acceptability of incorporation by reference of those topics treated in adequate detail in the licensee's or applicant's physical security plan. Paragraph 73.55(h) has also been revised to allow the incorporation of contingency plan information into security plans.

(5) The Commission recognizes the inappropriateness of holding licensees responsible for actions of persons not subject to licensee control. Therefore, licensee responsibility during periodic drills or tests has been clarified to exclude responsibility for testing the reaction of response forces not under his control.

(6) Paragraphs 73.50(g) and 73.55(h) have been revised to include an explicit requirement for safeguards contingency plans prepared in accordance with the criteria in Appendix C of 10 CFR Part 73, in order to eliminate an ambiguity that previously existed. Appropriate paragraphs, 73.46(h)(1), 73.46(h)(2) and 73.55(h)(1) of the proposed amendments published for comment in the FEDERAL REGISTER on July 5, 1977 (42 FR 34310) have been modified and used for this purpose.

(7) Upon further consideration, the Commission believes that the requirements in that section of the proposed Appendix C entitled "Development and Maintenance of the Plan" should more appropriately appear elsewhere in the rule. Hence, the requirement on assignment of responsibilities was moved to the discussion of the Responsibility Matrix and the other requirements were incorporated with the proposed amendments published on July 5, 1977, and moved to the body of the rule.

Concerning the proposed amendments published for comment on July 5, 1977, no substantive comments were received on the remaining portions of paragraph 73.46(h) nor on paragraphs 73.26(c)(3)(iii), 73.26(d), 73.46(b)(3)(iii), 73.55(b)(3)(iii), and 73.55(h). Appropriate portions of these paragraphs have therefore been incorporated into the final rule on safeguards contingency plans.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50, 70, and 73 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

(1) Section 50.34 of 10 CFR Part 50 is amended by adding a new paragraph (d) to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(d) *Safeguards contingency plan.* Each application for a license to operate a production or utilization facility that shall be subject to §§ 73.50, 73.55, or 73.60 of this chapter shall include a licensee safeguards contingency plan in accordance with the criteria set forth in Appendix C to 10 CFR Part 73. The safeguards contingency plan shall include plans for dealing with threats, thefts, and industrial sabotage, as defined in Part 73 of this chapter, relating to the special nuclear material and nuclear facilities licensed under this chapter and in the applicant's possession and control. Each application for such a license shall include the first four categories of information contained in the applicant's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to 10 CFR Part 73, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)[5]

2. Section 50.54(p) of 10 CFR Part 50 is amended to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

* * * * *

(p) The licensee shall prepare and maintain safeguards contingency plan Procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan. The licensee may make no change which would decrease the effectiveness of a security plan prepared pursuant to § 50.34(c) or Part 73 of this chapter, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee safeguards contingency plan prepared pursuant to § 50.34(d) or Part 73, as applicable, without prior approval of the Commission. A licensee desiring to

[5] A physical security plan that contains all the information required in both § 73.55 and Appendix C to Part 73 satisfies the requirement for a contingency plan.

make such a change shall submit an application for an amendment to his license pursuant to § 50.90. The licensee may make changes to the security plan or to the safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards (for enrichment and reprocessing facilities) or to the Director of Nuclear Reactor Regulation (for nuclear reactors), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made. Prior to the safeguards contingency plan being put into effect, the licensee shall have:

(1) All safeguards capabilities specified in the safeguards contingency plan available and functional,

(2) Detailed Procedures developed according to Appendix C to Part 73 available at the licensee's site, and

(3) All appropriate personnel trained to respond to safeguards incidents as outlined in the plan and specified in the detailed Procedures.

The licensee shall provide for the development, revision, implementation, and maintenance of his safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall 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 system along with commitments establish for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. In § 70.22 of 10 CFR Part 70, paragraph (g) is amended and a new paragraph (j) is added to read as follows:

§ 70.22 Contents of applications.

* * * * *

(g) Each application for a license that would authorize the transport or delivery to a carrier for transport of special nuclear material in an amount specified in § 73.1(b)(2) of this chapter shall include (1) a description of the plan for physical protection of special nuclear in transit in accordance with §§ 73.30 through 73.36 and 73.70(g) of this chapter, including a plan for the selection, qualification and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate, and (2) a licensee safeguards contingency plan for dealing with threats, thefts, and industrial sabotage[3] relating to the special nuclear material in transit. Each application for such a license shall include the first four categories of information contained in the applicant's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to 10 CFR Part 73, are Background, Generic Planning Base, Licensee Planning Base and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)

* * * * *

(j) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium) other than a license for possession or use of such material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, shall include, a licensee safeguards contingency plan for dealing with threats, thefts, and industrial sabotage, as defined in Part 73, relating to nuclear facilities licensed under Parts 50 or to the possession of special nuclear material licensed under Part 70 of this chapter. Each application for such a license shall include the first four categories of information contained in the applicant's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to 10 CFR Part 73, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)

4. Section 70.32 of 10 CFR Part 70 is amended by adding a new paragraph (g) to read as follows:

[3] Industrial sabotage as used in this paragraph has the same meaning as in § 73.2(p) of this chapter except that the deliberate acts are postulated to occur during transportation rather than at licensed sites.

§ 70.32 Conditions of licenses.

* * * * *

(g) The licensee shall prepare and maintain safeguards contingency plan Procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of his safeguards contingency plan. The licensee shall make no change that would decrease the safeguards effectiveness of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in any licensee safeguards contingency plan prepared pursuant to §§ 70.22(g), 70.22(j), 73.30(g), or 73.40 of this chapter without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 70.34 of this chapter. The licensee may make changes to the licensee safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to any such plan made without prior approval for a period of 2 years from the date of the change and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

5. Paragraph 73.30(g) of 10 CFR Part 73 is amended to read as follows:

§ 73.30 General requirements.

* * * * *

(g)(1) The licensee shall prepare a safeguards contingency plan in accordance with the criteria set forth in Appendix C to this part. The safeguards contingency plan shall include plans for dealing with threats, thefts, and industrial sabotage[1] related to strategic special nuclear material in transit subject to the provisions of this section. By September 19, 1978, each licensee subject to the requirements of paragraph (a) of this section shall submit to the Commission for approval the first four categories of information contained in the licensee's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to this part, are Background, Generic Planning Base,

[1] Industrial sabotage as used in this paragraph has the same meaning as in § 73.2(p) of this chapter except that the deliberate acts are postulated to occur during transportation rather than at a licensed site.

Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.) The plan shall become effective and be followed (when appropriate) by the licensee or his agent 30 days after approval by the Commission or 300 days after March 23, 1978, whichever is later.

(2) Prior to the plan becoming effective, the licensee shall have:

(i) All safeguards capabilities specified in his safeguards contingency plan available and functional,

(ii) Detailed Procedures developed according to Appendix C to this part available at the licensee's site or agent's operations center, and

(iii) All appropriate personnel trained to respond to safeguards incidents as outlined in the plan and specified in the detailed Procedures.

(3) The licensee shall provide for the implementation, revision, and maintenance of his safeguards contingency plan. To this end, the licensee shall provide for a review at least every twelve months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall 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 system along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

(6) Section 73.40 of 10 CFR Part 73 is amended to read as follows:

§ 73.40 Physical protection: General requirements at fixed sites

(a) Each licensee shall provide physical protection against industrial sabotage and against theft of special nuclear material at the fixed sites where licensed activities are conducted. The provisions of a licensee's security plan as approved by the Commission shall be followed by the licensee.

(b) Each licensee subject to the requirements of §§ 73.50, 73.55, and/or 73.60 shall prepare a safeguards contingency plan in accordance with the criteria set forth in Appendix C to this part. The safeguards contingency plan shall include plans for dealing with threats, thefts, and industrial sabotage relating to nuclear facilities licensed under Part 50 or to the possession of special nuclear material licensed under Part 70 of this chapter. By September 19, 1978, each licensee subject to the requirements of this paragraph, except for nuclear power plant licensees, from whom submittal is not required until March 23, 1979, shall submit to the Commission for approval the first four categories of information contained in the safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to this part, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)[1] The plan shall become effective and be followed (when appropriate) by the licensee, except for nuclear power plants, 30 days after approval by the Commission or 300 days after January 17, 1979, whichever is later. For nuclear power plants, the plan shall become effective 30 days after approval by the Commission.

(c) Prior to the plan becoming effective, the licensee shall have:

(1) All safeguards capabilities specified in his safeguards contingency plan available and functional,

(2) Detailed Procedures developed according to Appendix C to this part available at the licensee's site, and

(3) All appropriate personnel trained to respond to safeguards incidents as outlined in the plan and specified in the detailed Procedures.

(d) The licensee shall provide for the implementation, revision, and maintenance of his safeguards contingency plan. To this end, the licensee shall provide for a review at least every twelve months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall 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 system along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

(7) Paragraphs g(2) and g(3) of § 73.50(g) of 10 CFR Part 73 are renumbered as g(3) and g(4) respectively, paragraph g(1) is revised and renumbered as paragraph g(2), and a new paragraph g(1) is added to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

* * * * *

(g) *Response requirement.* (1) The licensee shall have a safeguards contingency plan for dealing with threats, thefts, and industrial sabotage related to the special nuclear material and nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C of this part, "Licensee Safeguards Contingency Plans."

(2) The licensee shall establish and document liaison with law enforcement authorities.

* * * * *

8. Paragraphs (h)(1) through (h)(4) of § 73.55(h) of 10 CFR Part 73 are renumbered as (h)(2) through (h)(5), respectively, and a new paragraph (h)(1) is added to read as follows:

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

* * * * *

(h) *Response requirement.* (1) The licensee shall execute, when appropriate, a safeguards contingency plan for dealing with threats, thefts and industrial sabotage related to the nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans."

* * * * *

9. A new Appendix C is added to 10 CFR Part 73 to read as follows:

APPENDIX C—LICENSEE SAFEGUARDS CONTINGENCY PLANS

INTRODUCTION

A licensee safeguards contingency plan is a documented plan to give guidance to licensee personnel in order to accomplish specific, defined objectives in the event of threats, thefts, or industrial sabotage relating to special nuclear material or nuclear facilities licensed under the Atomic Energy Act of 1954, as amended. An acceptable safeguards contingency plan must contain (1) a predetermined set of decisions and actions to satisfy stated objectives, (2) an identification of the data, criteria, procedures, and mechanisms necessary to effect efficiently the decisions and actions, and (3) a specification of the individual, group, or organizational entity responsible for each decision and action.

[1] Licensees subject to § 73.55 may modify their physical security plans to incorporate contingency plan information specified in Appendix C to Part 73. A physical security plan that contains all the information required in both § 73.55 and Appendix C to Part 73 satisfies the requirement for a contingency plan.

The goals of licensee safeguards contingency plans for dealing with threats, thefts, and industrial sabotage are (1) to organize the response effort at the licensee level, (2) to provide predetermined, structured reponses by licensees to safeguards contingencies, (3) to ensure the integration of the licensee response with the responses by other entities, and (4) to achieve a measurable performance in response capability. Licensee safeguards contingency planning should result in organizing the licensee's resources in such a way that the participants will be identified, their several responsibilities specified, and the responses coordinated. The responses should be timely and internally consistent among themselves.

It is important to note that a licensee's safeguards contingency plan is intended to be complementary to any emergency plans developed pursuant to Appendix E of Part 50 of this chapter or to § 70.22(i) of Part 70 of this chapter.

CONTENTS OF THE PLAN

Each licensee safeguards contingency plan shall include five categories of information:

1. Background
2. Generic Planning Base
3. Licensee Planning Base
4. Responsibility Matrix
5. Procedures

Although the implementing procedures (the fifth category of Plan information) are the culmination of the planning process, and therefore are an integral and important part of the safeguards contingency plan, they entail operating details subject to frequent changes. They need not be submitted to the Commission for approval, but will be inspected by NRC staff on a periodic basis. The licensee is responsible for ensuring that the implementing procedures reflect the information in the Responsibility Matrix, approximately summarized and suitably presented for effective use by the responding entities.

The following paragraphs describe the contents of the safeguards contingency plan.

1. *Background.* Under the following topics, this category of information shall identify and define the perceived dangers and incidents with which the plan will deal and the general way it will handle these:

a. Perceived Danger—A statement of the perceived danger to the security of special nuclear material, licensee personnel, and licensee property, including covert diversion of special nuclear material, industrial sabotage, and overt attacks. The statement of perceived danger should conform with that promulgated by the Nuclear Regulatory Commission. (The statement contained in 10 CFR 73.55(a) or subsequent Commission statements will suffice.)

b. Purpose of the Plan—A discussion of the general aims and operational concepts underlying implementation of the plan.

c. Scope of the Plan—A delineation of the types of incidents covered in the plan.

d. Definitions—A list of terms and their definitions used in describing operational and technical aspects of the plan.

2. *Generic Planning Base.* Under the following topics, this category of information shall define the criteria for initiation and termination of responses to safeguards contingencies together with the specific decisions, actions, and supporting information needed to bring about such responses:

a. Identification of those events that will be used for signaling the beginning or aggravation of a safeguards contingency according to how they are perceived initially by licensee's personnel. Such events may include alarms or other indications signaling penetration of a protected area, vital area, or material access area; material control or material accounting indications of material missing or unaccounted for; or threat indications—either verbal, such as telephoned threats, or implied, such as escalating civil disturbances.

b. Definition of the specific objetive to be accomplished relative to each identified event. The objective may be to obtain a level of awareness about the nature and severity of the safeguards contingency in order to prepare for further responses; to establish a level of response preparedness; or to successfully nullify or reduce any adverse safeguards consequences arising from the contingency.

3. *Licensee Planning Base.* This category of information shall include the factors affecting contingency planning that are specific for each facility or means of transportation. To the extent that the topics are treated in adequate detail in the licensee's approved physical security plan, they may be incorporated by cross reference to that plan. The following topics should be addressed:

a. Licensee's Organizational Structure for Contingency Responses—A delineation of the organization's chain of command and delegation of authority as these apply to safeguards contingencies.

b. Physical Layout—(i) Fixed Sites—A description of the physical structures and their location on the site, and a description of the site in relation to nearby town, roads, and other environmental features important to the effective coordination of response operations. Particular emphasis should be placed on main and alternate entry routes for law-enforcement assistance forces and the location of control points for marshalling and coordinating response activities.

(ii) Transportation—A description of the vehicles, shipping routes, preplanned alternate routes, and related features.

c. Safeguards Systems Hardware—A description of the physical security and accounting system hardware that influence how the licensee will respond to an event. Examples of systems to be discussed are communications, alarms, locks, seals, area access, armaments, and surveillance.

d. Law Enforcement Assistance—A listing of available local law enforcement agencies and a description of their response capabilities and their criteria for response; and a discussion of working agreements or arrangements for communicating with these agencies.

e. Policy Constraints and Assumptions—A discussion of State laws, local ordinances, and company policies and practices that govern licensee response to incidents. Examples that may be discussed include:

Use of deadly force;
Use of employee property;
Use of off-duty employees;
Site security jurisdictional boundaries.

f. Administrative and Logistical Considerations—Descriptions of licensee practices that may have an influence on the response to safeguards contingency events. The considerations shall include a description of the procedures that will be used for ensuring that all equipment needed to effect a successful response to a safeguards contingency will be easily accessible, in good working order, and in sufficient supply to provide redundancy in case of equipment failure.

4. *Responsibility Matrix.* This category of information consists of detailed identification of the organizational entities responsible for each decision and action associated with specific responses to safeguards contingencies. For each initiating event, a tabulation shall be made for each response entity depicting the assignment of responsibilities for all decisions and actions to be taken in response to the initiating event. (Not all entities will have assigned responsibilities for any given initiating event.) The tabulations in the Responsibility Matrix shall provide an overall picture of the response actions and their interrelationships. Safeguards responsibilities shall be assigned in a manner that precludes conflict in duties or responsibilities that would prevent the execution of the plan in any safeguards contingency.

5. *Procedures.* In order to aid execution of the detailed plan as developed in the Responsibility Matrix, this category of information shall detail the actions to be taken and decisions to be made by each member or unit of the organization as planned in the Responsibility Matrix.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, secs. 201, 204(b)(1), Pub L. 93-438, 88 Stat. 1243, 1245 (42 U.S.C. 2201, 5841, 5844).)

Dated at Washington, D.C. this 21st day of March, 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

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[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B; EC-0010]

PART 202—EQUAL CREDIT OPPORTUNITY

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretations.

SUMMARY: In accordance with the Board's regulations, the Board is publishing the following official staff interpretation of Regulation B, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.