

November 22, 1999, the staff began consideration of the fundamental issues that would guide a re-evaluation of the power reactor physical protection requirements, including conducting several public meetings with stakeholders on the subject. This process highlighted a longstanding issue with the implementation of 10 CFR 73.55 requirements at power reactors. Specifically, the implementation of these requirements assumed that compliance with the prescriptive requirements of the physical protection plans written in accordance with 10 CFR 73.55(b) through (h) would provide the high assurance required by 10 CFR 73.55(a). In fact, results of force-on-force drills conducted pursuant to the Regulatory Effectiveness Review (RER) program and the Operational Safeguards Response Evaluation (OSRE) program cast doubt on the validity of this assumption, due in part to the way the requirements were (a) understood by licensees and (b) inspected and enforced by NRC. However, overall site security and the security organization's readiness to respond to an adversary attack were tested and confirmed during regional inspection activity and OSREs.

The staff examined approaches and principles used in existing NRC regulations, including the use of margin of safety. The staff also integrated appropriate results of previous analyses, such as the study to re-evaluate the guidelines and bases used to determine vital equipment and areas to be protected in nuclear power plants, as documented in "Vital Equipment/Area Guidelines Study: Vital Area Committee Report," NUREG-1178.

In the attachment to SECY-99-241, the staff proposed to review the definition of radiological sabotage and consider ways to clarify the issue in a way that is meaningful for the protective strategy and enhances the process of performance evaluation. After considerable discussion, the staff determined that a definition of radiological sabotage at power reactors in the new rule may not be necessary if the regulation could delineate more clearly the performance criteria to be used as the basis for the new physical protection regulations. A series of public meetings were conducted, including representatives from Nuclear Energy Institute (NEI), Nuclear Control Institute (NCI), and media, from which the staff developed a set of physical protection performance criteria in terms of public protection that are consistent with criteria used in other areas of nuclear power plant regulation. These performance criteria would provide the risk-informed basis for the

comprehensive review of 10 CFR 73.55 and associated power reactor physical protection requirements, including the exercise requirement.

These performance criteria are based on ensuring that a plant retains the capability to safely shutdown the reactor and assure long-term heat removal in the face of a malevolent act by the design basis threat against the facility. The staff is developing performance criteria and requirements for 10 CFR 73.55(a) to protect the plant against a malevolent act by protecting critical safety functions, including appropriate margin of safety, including:

- (1) reactivity control,
- (2) reactor coolant makeup for maintaining reactor and spent fuel pool inventory,
- (3) reactor and spent fuel pool heat removal,
- (4) containment of radioactive materials,
- (5) process monitoring necessary to perform and control the above functions, and
- (6) actions necessary to support the operation of the equipment used for safe shutdown.

These performance criteria would clarify the scope of radiological sabotage which licensees are expected to protect. 10 CFR 73.55(b) and succeeding paragraphs would provide specific performance criteria for the physical security organization and response elements. As described in SECY-99-241, a new sub-section of 10 CFR 73.55 would require periodic drills and exercises and corrective actions for vulnerabilities identified in the exercises.

The above performance criteria represent a new concept in formulating security programs and align security with other areas of regulation involving plant operations. This approach would provide insights on how the remainder of 10 CFR 73.55 might be revised. The staff believes that it is important to continue to have stakeholder involvement in the early stages of development of performance criteria.

OSREs have been conducted since 1992 to test licensees' performance relative to the requirements in 10 CFR 73.55(a). The last OSRE in the current cycle is scheduled for May 2000 and with the final rule not expected to be published for three years, steps have been taken by the staff to fill the gap between May 2000 and the time when the new rule is in place. In the short-term, OSREs will continue. Then, pending NRC endorsement, an industry proposal for a Self-Assessment Program will be used on a trial basis, with NRC oversight, to pilot the performance

criteria envisioned in the revised physical protection regulations.

Coordination: The Office of the General Counsel has reviewed this paper and has no legal objection to its content. The FTE and resource issues involved in this paper are already budgeted.

Recommendations: That the Commission: *Approve* (a) the staff's approach to re-evaluation of the power reactor physical protection regulations, and (b) the definition of radiological sabotage by providing design criteria as the basis for physical protection regulations.

Note that: Upon the Commission's approval, the staff will (a) continue with this work to implement this approach in the new security regulations; (b) test these concepts in the industry Self-Assessment Program, as appropriate; and (c) publish this paper in the **Federal Register** for public comment, seeking comment on the approach described above for revising 10 CFR 73.55(a).

William D. Travers,

Executive Director for Operations.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94-129; DA 00-1220]

Common Carrier Bureau Extends Pleading Cycle on Proposal to Require Resellers to Obtain Carrier Identification Codes

AGENCY: Federal Communications Commission.

ACTION: Reopening of comment period.

SUMMARY: This document extends the comments and reply comments due dates of a document published at 65 FR 33281 (May 23, 2000). The Common Carrier Bureau published a document soliciting comments on proposals in this proceeding to require resellers to obtain their own carrier identification codes.

DATES: Submit comments on or before June 13, 2000 and reply comments on or before June 20, 2000.

ADDRESSES: See 65 FR 33281 (May 23, 2000) for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: William J. Scher or Dana Walton-Bradford (202) 418-7400 TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: In a recent *Public Notice*, 65 FR 33281 (May 23,

2000), the Common Carrier Bureau asked for supplemental filings on a proposal in this proceeding to require resellers to obtain their own carrier identification codes, establishing comment and reply comment dates of June 6 and June 13, 2000, respectively. *See Common Carrier Bureau Asks Parties to Refresh Record and Seeks Additional Comment on Proposal to Require Resellers to Obtain Carrier Identification Codes, Public Notice*, DA 00-1093, released May 17, 2000. On May 30, 2000, the Association of Communications Enterprises (ASCENT), formerly the Telecommunications Resellers Association, requested that the comment periods be extended by 30 days, to July 6 and July 13, 2000, respectively. ASCENT contends, among other things, that it is working with its members to compile data responsive to the Public Notice, but that the time allotted "has unfortunately proven inadequate[.]" ASCENT Request for Extension of Time at 3.

Based on consideration of ASCENT's filing, we conclude that a one-week extension of time is warranted. Therefore, we shall extend the respective comment and reply comment dates to June 13 and June 20, 2000. This extension will provide interested parties with more than three weeks from the date of release of the *Public Notice* in which to prepare their supplemental filings, a period that we believe should be sufficient to prepare the requested information.

For the foregoing reasons, pursuant to 47 CFR 1.46 of the Commission's rules, the Common Carrier Bureau hereby extends the comment and reply comment dates in this matter to June 13 and June 20, 2000, respectively.

Dated: June 5, 2000.

K. Michele Walters,

Associate Division Chief, Accounting Policy Division.

[FR Doc. 00-14519 Filed 6-8-00; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00-1143; MM Docket No. 99-133; RM-9523]

Radio Broadcasting Services; Evergreen, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, denial.

SUMMARY: This document denies a petition for rule making filed by

Mountain West Broadcasting requesting the allotment of Channel 230A at Evergreen, Montana. *See* 64 FR 24996, May 10, 1999. Based on the information submitted by Mountain West Broadcasting, we believe it has failed to establish that Evergreen qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel to Evergreen. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99-133, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-14541 Filed 6-8-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-1142; MM Docket No. 00-92; RM-9857]

Radio Broadcasting Services; Dos Palos and Livingston, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of All American Broadcasting, Inc., licensee of FM Station KNTQ, Channel 240A, Livingston, California, requesting the reallocation of Channel 240A to Dos Palos, California, as that locality's first local aural transmission service, and modification of its authorization accordingly. Coordinates used for Channel 240A at Dos Palos, California, are 37-04-03 NL and 120-44-52 WL.

DATES: Comments must be filed on or before July 17, 2000, and reply comments on or before August 1, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-92, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-14607 Filed 6-8-00; 8:45 am]

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