

techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

## II. Further Information

Revision 1 of RG 1.172 was issued with a temporary identification as Draft Regulatory Guide, DG-1209 on August 22, 2012 (77 FR 50726) for a 60-day public comment period. The public comment period closed on November 22, 2012. Multiple public comments were received and addressed by the NRC staff. These comments and the NRC staff responses are available in ADAMS under Accession number ML13007A160.

Revision 1 of RG 1.172 endorses IEEE Std. 830-1998, "IEEE Recommended Practice for Software Requirements Specifications," issued in 1998 and reaffirmed in 2009 with the clarifications and exceptions as stated in Section C, "Staff Regulatory Position" of the RG. IEEE Std. 830-1998 describes methods that the NRC staff considers acceptable for use in complying with the NRC regulations for achieving high functional reliability and design quality in software used in safety systems. In particular, the methods are consistent with the previously cited GDC and the criteria for quality assurance programs in Appendix B to Title 10, of the *Code of Federal Regulations*, Part 50, "Domestic Licensing of Production and Utilization Facilities" (10 CFR Part 50) as they apply to the development of software requirement specifications. The criteria of Appendix A and Appendix B to 10 CFR part 50 applies to systems and related quality standards and quality assurance processes as well as the software elements of those systems.

This RG is one of six RG revisions addressing computer software development and use in safety related systems of nuclear power plants. These RGs were developed by the Office of Nuclear Regulatory Research, Division of Engineering (RES/DE) with the assistance of multiple individuals in the Office of New Reactors, Division of Engineering (NRO/DE); Office Nuclear Reactor Regulation, Division of Engineering (NRR/DE); and the Office of Nuclear Security and Incident Response, Division of Security Policy (NSIR/DSP). The six interrelated RGs are:

1. Revision 2 of RG 1.168, "Verification, Validation, Reviews, and Audits for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1267. The package for

Rev. 2 of RG 1.168 is in ADAMS at Accession No. ML12236A132.

2. Revision 1 of RG 1.169, "Configuration Management Plans for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1206. The package for Rev. 1 of RG 1.169 is in ADAMS at Accession No. ML12354A524.

3. Revision 1 of RG 1.170, "Test Documentation for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG1207. The package for Rev. 1 of RG 1.170 is in ADAMS at Accession No. ML12354A531.

4. Revision 1 of RG 1.171, "Software Unit Testing for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," issued for public comment as DG1208. The package for Rev. 1 of RG 1.171 is in ADAMS at Accession No. ML12354A534.

5. Revision 1 of RG 1.172, "Software Requirements Specifications for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1209. The package for Rev. 1 of RG 1.172 is in ADAMS at Accession No. ML12354A538.

6. Revision 1 of RG 1.173, "Developing Software Life Cycle Processes for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1210. The package for Rev. 1 of RG 1.173 is in ADAMS at Accession No. ML13008A338.

## III. Backfitting and Issue Finality

Issuance of this final RG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52. As discussed in the "Implementation" section of this RG, the NRC has no current intention to impose this RG on holders of current operating licenses, early site permits or combined licenses, unless this final RG is part of the licensing basis for the facility. The NRC may apply this RG to applications for operating licenses, early site permits and combined licenses docketed by the NRC as of the date of issuance of the final RG, as well as to future applications for operating licenses, early site permits and combined licenses submitted after the issuance of the RG. Such action does not constitute backfitting as defined in 10 CFR 50.109(a)(1) and is not otherwise inconsistent with the applicable issue finality provision in 10 CFR Part 52,

inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in Part 52.

## Congressional Review Act

This RG is a rule as designated in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget (OMB) has not found it to be a major rule as designated in the Congressional Review Act.

Dated at Rockville, Maryland, this 19th day of July, 2013.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Review: Request for External Review

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** 60-Day Notice and request for comments.

**SUMMARY:** National Healthcare Operations, Office of Personnel Management (OPM), offers the general public and other Federal agencies the opportunity to comment on a new information collection request (ICR) 3206-NEW, Request for External Review. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**DATES:** Comments are encouraged and will be accepted until October 1, 2013. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to National Healthcare Operations, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Ed DeHarde, or sent via electronic mail to [mssp@opm.gov](mailto:mssp@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting National Healthcare Operations, Office of Personnel Management, 1900 E Street NW., Washington, DC 20503, Attention: Ed DeHarde, or sent via electronic mail to [mssp@opm.gov](mailto:mssp@opm.gov).

**SUPPLEMENTARY INFORMATION:** Section 1334 of the Patient Protection and Affordable Care Act, Public Law 111–148, as amended by the Health Care Education Reconciliation Act, Public Law 111–152 (together, “Affordable Care Act”), directed the Office of Personnel Management (OPM) to enter into contracts with health insurance issuers to offer coverage on Exchanges (also called “Marketplaces”) throughout the 50 States and the District of Columbia. OPM issued final regulations for the establishment of the Multi-State Plan Program (MSPP) on March 11, 2013, 78 FR 15560, which outlined an external review process that would be available to enrollees in Multi-State Plans (MSPs).

The regulations state that “OPM will conduct external review of adverse benefit determinations using a process similar to OPM review of disputed claims under [the Federal Employees Health Benefits Program] . . . .” A necessary part of conducting external review of adverse benefit determinations is accepting requests for external review from MSP enrollees who seek external review.

In general, after an issuer denies a claim, the enrollee whose claim is denied may ask the issuer to reconsider through a process called an internal appeal. If an issuer upholds a denial on internal appeal, the enrollee may seek external review of the denial. External review is a process that affords an enrollee in an MSP the right to have a denial of a claim appealed to an entity other than his or her health insurance issuer. The attached Model Notice of Final Internal Adverse Benefit

Determination illustrates the content of the notice that an MSP issuer must provide to an MSP enrollee after denying a claim and upholding such denial upon internal appeal.

#### Analysis

*Agency:* National Healthcare Operations, Office of Personnel Management.

*Title:* Request for External Review.

*OMB Number:* 3206–NEW.

*Frequency:* Occasionally.

*Affected Public:* Multi-State Plan enrollees.

*Estimated Number of Respondents:* 2,933,333.

*Estimated Time per Respondent:* 30 minutes.

*Estimated Total Burden Hours:* 1,466,666.5.

U.S. Office of Personnel Management.

**Elaine Kaplan,**

*Acting Director.*

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**BILLING CODE 6325–38–P**

#### OFFICE OF PERSONNEL MANAGEMENT

##### Submission for Review: Designation of Beneficiary: Federal Employees' Group Life Insurance, SF 2823

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** 60-Day Notice and request for comments.

**SUMMARY:** The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0136, Designation of Beneficiary: Federal Employees' Group Life Insurance, SF 2823. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**DATES:** Comments are encouraged and will be accepted until October 1, 2013. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Healthcare and Insurance, 1900 E Street NW., Room 4332, Washington, DC 20415, Attention: Christopher Meuchner or sent by email to [Christopher.Meuchner@opm.gov](mailto:Christopher.Meuchner@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Retirement Services Publications Team, 1900 E Street NW., Room 4445, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to [Cyrus.Benson@opm.gov](mailto:Cyrus.Benson@opm.gov) or faxed to (202) 606–0910.

**SUPPLEMENTARY INFORMATION:** Standard Form 2823 is used by any Federal employee or retiree covered by the Federal Employees' Group Life Insurance (FEGLI) Program, or an assignee who owns an insured's coverage, to instruct the Office of Federal Employees' Group Life Insurance how to distribute the proceeds of the FEGLI coverage when the statutory order of precedence does not meet his or her needs. OPM is revising the form to clarify its policy regarding the filing of court orders used for the payment of FEGLI benefits. In addition, OPM is making some minor textual changes to explain how and to whom proceeds can be designated, and emphasizing that the insured individual keep the designation updated as needs change.

#### Analysis

*Agency:* Retirement Operations, Retirement Services, Office of Personnel Management.

*Title:* Designation of Beneficiary: Federal Employees' Group Life Insurance.

*OMB Number:* 3206–0136.

*Frequency:* On occasion.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 48,000.