For The Nuclear Regulatory Commission.

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Director Non-Power Reactors and Decommissioning Project Directorate Division of Project Support Office of Nuclear Reactor Regulation.

[FR Doc. 95–17447 Filed 7–14–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–458]

Exemption

In the matter of Entergy Operations, Inc. (River Bend Station, Unit 1).

I

Entergy Operations, Inc., (the licensee) is the holder of Facility Operating License No. NPF–47, which authorizes operation of the River Bend Station, Unit 1. The operating license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility consists of a boiling water reactor at the licensee's site in West Feliciana Parish, Louisiana.

II

Title 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,'' paragraph (a), in part, states that ''The licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute and unreasonable risk to the public health and safety.''

10 CFR 73.55(d), ''Access Requirements,'' paragraph (I), specifies that ''The licensee shall control all points of personnel and vehicle access into a protected area.'' 10 CFR 73.55(d)(5) requires that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' 10 CFR 73.55(d)(5) also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual ''receives a picture badge upon entrance into the protected areas which must be returned upon exit from the protected area* * *''

The licensee proposed to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve badges at each entrance/exit location and would allow all individuals with unescorted access to keep their badge with them when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to allow contractors who have unescorted access to take their badges offsite instead of returning them when exiting the site. By letter dated October 24, 1994, the licensee requested an exemption from certain requirements of 10 CFR 73.55(d)(5) for this purpose.

III

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Pursuant to 10 CFR 73.55, the Commission may authorize a licensee to provide alternative measures for protection against radiological sabotage provided the licensee demonstrates that the alternative measures have ''the same high assurance objective'' and meet ''the general performance requirements'' of the regulation, and ''the overall level of system performance provides protection against radiological sabotage equivalent'' to that which would be provided by the regulation.

Currently, employee and contractor identification/access control cards are issued and retrieved on the occasion of each entry to and exit from the protected areas of the River Bend site. Station security personnel are required to maintain control of the badges while the individuals are offsite. This practice has been in effect at the River Bend Station, Unit 1 since the operating license was issued. Security personnel retain each identification access control card, when not in use by the authorized individual, within appropriately designed storage receptacles inside a bullet-resistant enclosure. An individual who meets the access authorization requirements is issued a picture identification card which also serves as an access control card. This card allows entry into preauthorized areas of the station. While entering the plant in the present configuration, an authorized individual is ''screened'' by the required detection equipment and by the issuing security officer. Having received the badge, the individual proceeds to the access portal, inserts the access control card into the card reader, and passes through the turnstile which is unlocked by the access card. Once inside the station, the access card allows entry into areas if the preauthorized criteria are met.

This present procedure is labor intensive since security personnel are required to verify badge issuance, ensure badge retrieval, and maintain the badges in orderly storage until the next entry into the protected area. The regulations permit employees to remove their badges from the site, but an exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badges offsite instead of returning them when exiting the site.

Under the proposed system, all individuals authorized to gain unescorted access will have the physical characteristics of their hand (hand geometry) recorded with their badge number. Since the hand geometry is unique to each individual and its application in the entry screening function would preclude unauthorized use of a badge, the requested exemption would allow employees and contractors to keep their badges at the time of exiting the protected area. The process of verifying badge issuance, ensuring badge retrieval, and maintaining badges could be eliminated while the balance of the access procedure would remain intact. Firearm, explosive and metal detection equipment and provisions for conducting searches will remain as well. The security officer responsible for the last access control function (controlling admission to the protected area) will also remain isolated within a bullet-resistant structure in order to assure his or her ability to respond or to summon assistance.

Use of a hand geometry biometrics system exceeds the present verification methodology's capability to discern an individual's identity. Unlike the photograph identification badge, hand geometry is nontransferable. During the initial access authorization or registration process, hand measurements are recorded and the template is stored for subsequent use in the identity verification process required for entry into the protected area.

Authorized individuals insert their access authorization card into the card reader and the biometrics system records an image of the hand geometry. The unique features of the newly recorded image are then compared to the template previously stored in the database. Access is ultimately granted based on the degree to which the characteristics of the image match those of the ''signature'' template.

Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive

verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into protected areas.

The access process will continue to be under the observation of security personnel. The system of identification badges coupled with their associated access control cards will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Addition of a hand geometry biometrics system will provide a significant contribution to effective implementation of the security plan at each site.

IV

For the foregoing reasons, pursuant to 10 CFR 73.55, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet ''the same high assurance objective,'' and ''the general performance requirements'' of the regulation and that ''the overall level of system performance provides protection against radiological sabotage equivalent'' to that which would be provided by the regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest. Therefore, as long as the licensee uses the hand geometry access control system, the Commission hereby grants Entergy Operations, Inc. an exemption from those requirements of 10 CFR 73.55(d)(5) relating to the returning of picture badges upon exit from the protected area such that individuals not employed by the licensee, i.e., contractors, who are authorized unescorted access into the protected area, can take their badges offsite.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 30116). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of July 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–17448 Filed 7–14–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–278]

Exemption; Notice

In the matter of PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, Atlantic City Electric Company (Peach Bottom Atomic Power Station, Unit 3)

I

PECO Energy Company, et al. (PECo, the licensee), is the holder of Facility Operating License No. DPR–56, which authorizes operation of the Peach Bottom Atomic Power Station (PBAPS), Unit 3. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The PBAPS, Unit 3, facility consists of a boiling water reactor located in York County, Pennsylvania.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors by subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components which penetrate the containment. Section III.D.1 of Appendix J to 10 CFR Part 50 requires that a set of three Type A tests shall be performed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shut down for the 10-year plant inservice inspections (ISI). The Type A test is defined in 10 CFR Part 50, Appendix J, Section II.F, as ''tests intended to measure the primary reactor containment overall integrated leakage rate (1) after the containment has been completed and is ready for operation, and (2) at periodic intervals thereafter.'' The 10-year service period begins with the inservice date.

III

In its letter dated November 21, 1994, the licensee requested an exemption from the Commission's regulations. The subject exemption is from a requirement in Appendix J to 10 CFR Part 50 that a set of three Type A tests (Containment Integrated Leak Rate Tests (CILRTs)) be performed, at approximately equal intervals, during each 10-year service period. The exemption applies to the second 10-year service period; subsequent service periods are not changed.

The request for a one-time exemption would allow an extension of the second 10-year Type A test service period and would allow the performance of the three Type A tests in the second 10-year service period at intervals that are not approximately equal. It does not affect the third 10-year service period.

In its submittal, the licensee provided a table of historical leak test results for PBAPS Unit 3. Within the second 10-year service period, satisfactory Type A tests were performed in January 1986 and November 1989. In addition, an additional satisfactory Type A test was performed in December 1991 following certain plant modifications.

Current Technical Specifications (TS) and 10 CFR Part 50, Appendix J, would require the licensee to perform a Type A test during Unit 3 refueling outage 10 (3R010) scheduled for September 1995 in order to comply with the requirements to perform three Type A tests within the current service period at approximately equal intervals.

Furthermore, 10 CFR Part 50, Appendix J, also requires the licensee to perform a type A test during the next refueling outage (Unit 3 refueling outage 11 (3R011) scheduled for September 1997) in order to comply with the requirement of 10 CFR Part 50, Appendix J, Section III.D.1, that the third test be performed when the plant is shut down for the 10-year inservice inspections. The current 10-year ISI period ends in November 1997 and ISI inspections are scheduled for September 1997. Therefore, to fully comply with Appendix J, the licensee would have to perform CILRTs during the tenth and eleventh refueling outages for Unit 3.

The licensee proposed to perform the next Unit 3 Type A test during Unit 3 refueling outage 11 scheduled to start in September 1997. The effect of this proposal would be to extend the current Appendix J 10-year service period that would result in the interval between successive Type A tests being extended to approximately 70 months. Strict compliance with Section III.D.1 would require the interval between successive Type A tests to be approximately 40 months.

The licensee performed a review of the history of the PBAPS Unit 3 Type A test results to evaluate the risk of activity-based and time-based degradation. This review identified three activity-based component failures detected during past Type A tests. The measured mass point and total time leakage rates measured for the April 1977 CILRT stabilized at approximately 1.1% wt/day, which failed to meet the