

be sent to Mr. James M. Cate, Patent Attorney, NASA Johnson Space Center. **DATES:** Responses to this Notice must be received by December 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. James M. Cate, NASA Johnson Space Center, Mail Code HA, Houston, TX 77058; telephone number (713) 483-1001.

Dated: September 22, 1995.

Edward A. Frankle,  
General Counsel.

[FR Doc. 95-24352 Filed 9-29-95; 8:45 am]

BILLING CODE 7510-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

### Pacific Gas and Electric Company, (Diablo Canyon Nuclear Power Plant Units 1 and 2)

#### Exemption

I

On November 2, 1984, the Commission issued Facility Operating License No. DPR-80 and on August 26, 1985, the Commission issued Facility Operating License No. DPR-82 to Pacific Gas and Electric Company (the licensee) for the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (DCPP), respectively. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

It is stated in 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," paragraph (a), 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 an unreasonable risk to the public health and safety."

It is specified in 10 CFR 73.55(d), "Access Requirements," paragraph (1), that "The licensee shall control all points of personnel and vehicle access into a protected area." It is specified in 10 CFR 73.55(d)(5) that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort \* \* \*" It 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 area 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 badges with them when departing the site.

An exemption from certain requirements of 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 May 5, 1995, and supplements dated July 28, 1995, September 14, 1995 and September 19, 1995, 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 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 measures for protection against radiological sabotage provided the licensee demonstrates that the 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.

At the DCPP site, unescorted access into protected areas is controlled through the use of a photograph on a combination badge and keycard. (Hereafter, these are referred to as badges.) The security officers at the entrance station use the photograph on the badge to visually identify the individual requesting access. The badges for both licensee employees and contractor personnel who have been granted unescorted access are issued upon entrance at the entrance/exit location and are returned upon exit. The badges are stored and are retrievable at the entrance/exit location. In accordance with 10 CFR 73.55(d)(5), contractor individuals are not allowed to take badges offsite. In accordance

with the plant's physical security plan, neither licensee employee nor contractors are allowed to take badges offsite.

Under the proposed system, each individual who is authorized for unescorted access into protected areas would have the physical characteristics of their hand (hand geometry) registered with their badge number in the access control system. When an individual enters the badge into the card reader and places the hand on the measuring surface, the system would record the individual's hand image. The unique characteristics of the extracted hand image would be compared with the previously stored template in the access control system to verify authorization for entry. Individuals, including licensee employees and contractors, would be allowed to keep their badges with them when they depart the site and thus eliminate the process to issue, retrieve and store badges at the entrance stations to the plant. Badges do not carry any information other than a unique identification number.

All other access processes, including search function capability, would remain the same. This system would not be used for persons requiring escorted access, i.e., visitors.

Based on a Sandia report entitled, "A Performance Evaluation of Biometric Identification Devices" (SAND91-0276 UC-906 Unlimited Release, printed June 1991), and on the licensee's experience with the current photo-identification system, the licensee stated that the false acceptance rate for the hand geometry system is comparable to that of the current system. The biometric system has been in use for a number of years at several sensitive Department of Energy facilities. The licensee will implement a process for testing the proposed system to ensure continued overall level of performance equivalent to that specified in the regulation. The Physical Security Plan for DCPP will be revised to include implementation and testing of the hand geometry access control system and to allow licensee employees and contractors to take their badges offsite.

The licensee will control all points of personnel access into a protected area under the observation of security personnel through the use of a badge and verification of hand geometry. A numbered picture badge identification system will continue to be used for all individuals who are authorized unescorted access to protected areas. Badges will continue to be displayed by all individuals while inside the protected area.

Since both the badges and hand geometry would be necessary for access into the protected areas, the proposed system would provide for a positive verification process and the 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.

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.

#### IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Pacific Gas and Electric Company 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, may take their picture 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 environment (60 FR 49640).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of September 1995.

For The Nuclear Regulatory Commission.  
Jack W. Roe,

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

[FR Doc. 95-24406 Filed 9-29-95; 8:45 am]

BILLING CODE 7590-01-P

#### 1995 All Agreement States Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) staff plans to convene a public meeting with representatives of the 29 Agreement States to discuss technical and program management issues in the regulation of

Atomic Energy Act radioactive materials. Panel discussions will be held and individual presentations will be made to clarify and enhance a general understanding of regulatory requirements designed to protect the safety of the public and radiation workers. The progress of ongoing revisions to current NRC regulations, as well as, implementation of new regulatory requirements will be discussed. The status of reporting specific radiological incidents and the exchange of radiological safety information will also be discussed.

**DATE:** The public meeting will be held on Monday, October 30, 1995, from 8:00 a.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m.; Tuesday, October 31, 1995, from 8:00 a.m. to 5:00 p.m.; and Wednesday November 1, 1995, from 8:00 a.m. to 12:00 noon.

**ADDRESSES:** The meeting is to be held at the Ramada Congress Hotel, 520 South Michigan Avenue, Chicago, Illinois, Telephone (312) 427-3800.

**FOR FURTHER INFORMATION CONTACT:** Lloyd A. Bolling, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 415-2327, FAX (301) 415-3502 and Internet (LAB@NRC.GOV).

**SUPPLEMENTARY INFORMATION:** The following topics will be covered at this meeting:

1. Implementation of the Integrated Materials Performance Evaluation Program (IMPEP).

2. Business Process Reengineering—Materials Licensing.

3. Development of Implementation Procedures for New Agreement State Program Policies.

4. Materials Regulation Issues—NESHAPS, Sealed Source and Device Registry and Regulations Development—10 CFR Part 34 on Industrial Radiography, 10 CFR Part 21 on the Reporting of Defects and Non-Compliance, and Status of Revision of 10 CFR Part 40.

5. Control and Accountability of Generally Licensed Devices, Process for Accepting Abandoned Radioactive Material.

6. Operational Events, Abnormal Occurrence Reporting, Nuclear Materials Events Database, and Allegations Handling.

7. The meeting will be conducted in a manner that will expedite the orderly conduct of business. A transcript of the meeting will be available for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C. 20555 on or about November 25, 1995.

The following procedures apply to public attendance at the meeting:

1. Questions or statements from attendees other than participants, i.e., participating representatives of each Agreement State and participating NRC staff will be entertained as time permits; and

2. Seating for the public will be on a first-come, first-served basis.

Dated at Rockville, Maryland this 22nd day of September, 1995.

For the Nuclear Regulatory Commission.

Richard L. Bangart,

*Director, Office of State Programs.*

[FR Doc. 95-24405 Filed 9-29-95; 8:45 am]

BILLING CODE 7590-01-P

#### [Docket No. 50-336]

#### **Northeast Nuclear Energy Company; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company (the licensee) to withdraw its December 16, 1994, application for proposed amendment to Facility Operating License No. DPR-65 for the Millstone Nuclear Power Station, Unit No. 2 located in New London County, Connecticut.

The proposed amendment would have revised the Technical Specifications to require the wind direction and wind speed sensors at the 142 foot elevation to identify the data to determine action required to preclude flood damage to the Service Water Pumps. Also the proposed change would have corrected a typographical error in the location of the sensors at the 374 foot elevation.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on February 1, 1995 (60 FR 6303). However, by letter dated September 18, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated December 16, 1994, and the licensee's letter dated September 18, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, and at the local public document room located at the Learning Resource Center, Three Rivers Community-Technical College, Thames