

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 VCSNS site, unescorted access into protected areas is controlled through the use of a photograph on a combination badge and keycard (hereafter, referred to as badge). 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 employees 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 National Laboratories 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-accept rate for the hand geometry system is at least equal to the current system. 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 VCSNS, Unit 1, 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. 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(a), 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, 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, the Commission hereby grants 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 not

result in any significant adverse environmental impact (60 FR 43819).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of December 1995.

For the Nuclear Regulatory Commission.  
Steven A. Varga,

*Director, Division of Reactor Projects—I/II,  
Office of Nuclear Reactor Regulation.*

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#### [Docket Nos. 50-295 and 50-304]

#### **Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-39 and DPR-48, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Zion Nuclear Power Station, Units 1 and 2, located in Lake County, Illinois.

The proposed amendments, requested by the licensee in its letter of November 3, 1995, as supplemented on November 22, 1995, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," September 1992. NUREG-1431 has been developed through working groups composed of both NRC staff members and Westinghouse owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the NRC Final Policy Statement on Technical Specification Improvement for Nuclear Power Reactors (58 FR 39132, dated 7/22/93) to the current Zion Nuclear Power Station TS.

The licensee has categorized the proposed changes into four general groupings. These groupings are characterized as relocated requirements, administrative changes, less restrictive changes involving deletion of requirements, and more restrictive changes.

#### "R"—Relocation of Requirements

Relocating requirements that do not meet the TS criteria, to documents within an established control program, allows the TS to be reserved only for those conditions or limitations upon reactor operation that are necessary to

adequately limit the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, thereby focusing the scope of TS.

Therefore, requirements that do not meet the TS criteria in the NRC Final Policy Statement on Technical Specification Improvement for Nuclear Power Reactors have been relocated to other 10 CFR 50.59 controlled documents. This policy statement addresses the scope and purpose of TS. In doing so, it establishes a specific set of objective criteria for determining which regulatory requirements and operating restrictions should be included in the TS. These criteria are as follows:

*Criterion 1:* Installed instrumentation that is used to detect and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary;

*Criterion 2:* A process variable that is an initial condition of a design basis accident (DBA) or transient analyses that either assumes the failure of or presents a challenge to the integrity of a fission product barrier;

*Criterion 3:* A structure, system or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission barrier;

*Criterion 4:* A structure, system or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

The application of these criteria is provided in the "Application of Selection Criteria to the Zion Technical Specifications." Requirements which met the criteria have been included in the proposed improved TS. ComEd proposes to remove the requirements which do not meet the criteria from the TS and relocate the requirements to a suitable owner controlled document. The requirements in the relocated Specifications will not be affected by this TS change. ComEd will initially continue to perform the required operation and maintenance to assure that the requirements are satisfied. Relocating specific requirements for systems or variables will have no impact on the system's operability or the variable's maintenance, as applicable. 10 CFR 50.59 will be utilized as the control mechanism for the relocated Specifications as they will be placed in plant procedures or other controlled documents governed by 10 CFR 50.59. This would allow ComEd to make changes to these requirements, without

NRC approval, if the change does not involve an unreviewed safety question. These controls are considered adequate for assuring structures, systems and components in the relocated specifications are maintained operable and variables in the relocated specifications are maintained within limits.

#### "A"—Administrative Changes to Requirements

Reformatting and rewording the remaining requirements in accordance with the style of the improved Westinghouse Standard Technical Specifications in NUREG-1431 will make the TS more readily understandable to plant operators and other users. Application of the format and style will also assure consistency is achieved between specifications. As a result, the reformatting and rewording of the TS has been performed to make them more readily understandable by plant operators and other users. During this reformatting and rewording process, no technical changes (either actual or interpretational) to the TS were made unless they were identified and justified.

#### "LA"—Less Restrictive, Administrative Deletion of Requirements

Portions of some specifications provide information that is descriptive in nature regarding the equipment, system(s), actions or surveillances. This information is proposed to be deleted from the specification and moved to the proposed Bases, Updated Final Safety Analysis Report (UFSAR), or procedures. The removal of descriptive information to the Bases of the TS, UFSAR or procedures is permissible, because the Bases, UFSAR or procedures will be controlled through a process which utilizes 10 CFR 50.59. This will not impact the actual requirements but may provide some flexibility and how the requirement is conducted. Therefore, the descriptive information that has been moved continues to be maintained in an appropriately controlled manner.

#### "M"—More Restrictive Changes to Requirements

The Zion TS are proposed to be modified in some areas to impose more stringent requirements than previously identified. These more restrictive modifications are being imposed to be consistent with the improved Westinghouse Standard TS. Such changes have been made after ensuring the previously evaluated safety analysis was not affected. Also, other more restrictive technical changes have been

made to achieve consistency, correct discrepancies, and remove ambiguities from the specification.

The modifying of the Zion TS and the changes made to achieve consistency within the specifications have been performed in a manner such that the most stringent requirements are imposed, except in cases which are individually evaluated.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 29, 1996, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should

also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the

Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Robert A. Capra, Director, Project Directorate III-2: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated November 3, 1995, as supplemented on November 22, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

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

For the Nuclear Regulatory Commission,  
Robert A. Capra,  
*Director, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

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[Docket Nos. 50-325 and 50-324]

**Carolina Power & Light Company; Brunswick Steam Electric Plant, Units 1 and 2; Exemption**

I

The Carolina Power & Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-71 and DPR-62, which authorize operation of the Brunswick Steam Electric Plant (BSEP). The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities consist of two boiling water reactors located at the licensee's site in Brunswick County, North Carolina.

II

Title 10 CFR 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two BSEP units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

III

10 CFR 50.12(a), "Specific exemptions," states that \* \* \*

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are- (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

10 CFR 50.12(a)(2)(ii) states that special circumstances are present when \* \* \*

Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*

IV

As noted in the staff's safety evaluation, the licensee's proposed schedule for FSAR updates will ensure that the BSEP FSAR will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The Commission has determined that,