

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." It further states that individuals not employed by the licensee (e.g., contractors) may be authorized access to protected areas without escort provided that the individual, "receives a picture badge upon entrance into a protected area which must be returned upon exit from the protected area. * * *"

The licensee proposes to implement an alternative unescorted access system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area and would allow all individuals, including contractors, to keep their picture badges in their possession when departing the Byron site.

III

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application of 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. According 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, that the proposed measures meet 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.

Currently, unescorted access into the Byron Station, Units 1 and 2, is controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected area is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges off site. In addition, in accordance with the plant's physical security plan, the licensee's employees are also not allowed to take their picture badges off site.

The proposed system will require that all individuals with authorized unescorted access have the physical characteristics of their hand (hand

geometry) registered with their picture badge number in a computerized access control system. Therefore, all authorized individuals must not only have their picture badge to gain access to the protected area, but must also have their hand geometry confirmed. All individuals, including contractors, who have authorized unescorted access into the protected area will be allowed to keep their picture badges in their possession when departing the Byron site.

All other access processes, including search function capability and access revocation, will remain the same. A security officer responsible for access control will continue to be positioned within a bullet-resistant structure. It should also be noted that the proposed system is only for individuals with authorized unescorted access and will not be used for those individuals requiring escorts.

Sandia National Laboratories conducted testing which demonstrated that the hand geometry equipment possesses strong performance characteristics. Details of the testing performed are in the Sandia report, "A Performance Evaluation of Biometric Identification Devices," SAND91-0276 UC-906 Unlimited Release, June 1991. Based on the Sandia report and the licensee's experience using the current photo picture identification system, the false acceptance rate for the proposed hand geometry system would be at least equivalent to that of the current system. To assure that the proposed system will continue to meet the general performance requirements of 10 CFR 73.55(d)(5), the licensee will implement a process for testing the system. The site security plans will also be revised to allow implementation of the hand geometry system and to allow employees and contractors with unescorted access to keep their picture badges in their possession when leaving the Byron site.

IV

For the foregoing reasons, 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 10 CFR 73.55. In addition, the staff has determined that the overall level of the proposed system's performance will provide protection against radiological sabotage equivalent to that which is provided by the current system in accordance with 10 CFR 73.55.

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 common defense and security, and is otherwise in the public interest.

Therefore, the Commission hereby grants the following exemption:

The requirement of 10 CFR 73.55(d)(5) that individuals who have been granted unescorted access and are not employed by the licensee are to return their picture badges upon exit from the protected area is no longer necessary. Thus, these individuals may keep their picture badges in their possession upon leaving the Byron site.

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 67369).

Dated at Rockville, Maryland, this 5th day of January 1996.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

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

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[Docket No. IA 95-055; ASLBP No. 96-712-01-EA]

James L. Shelton; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission December 29, 1972 dated published in the Federal Register, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and supplemental petitions to intervene and to preside over the proceeding in the event that a hearing is ordered.

James L. Shelton

Order Prohibiting Involvement in NRC-Licensed Activities
(Effective Immediately)
EA 95-101

This Board is being established pursuant to a notice published by the Commission on November 7, 1995, in the Federal Register (60 FR 56176). The petitioner, James L. Shelton, requests a hearing regarding an Order issued by Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, dated October 31, 1995, entitled "Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)."

The Board is comprised of the following administrative judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Frank F. Hooper, 26993 McLaughlin Boulevard, Bonita Springs, FL 33923

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 10th day of January 1996.

B. Paul Cotter, Jr.,

Chief Administrative Judge.

[FR Doc. 96-671 Filed 1-19-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-445 and 50-446]

Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-87 and NPF-89, issued to Texas Utilities Electric Company (TU Electric, the licensee), for operation of the Comanche Peak Steam Electric Station, Units 1 and 2 located in Somervell County, Texas.

The proposed exigent amendment Technical Specification (TS) would temporarily change the TS to revise the requirements for Minimum Channels OPERABLE for Wide Range RCS (Reactor Coolant System) Temp. (Temperature)- T_h remote shutdown indication for CPSES Unit 2. The minimum number of channels required is being revised from 1 per RCS Loop for each RCS Loop to 1 per RCS Loop for 3 of the 4 RCS Loops. This temporary change is requested as a result of the failure of one of the T_h channels in a manner which cannot be repaired without a unit shutdown and a possible cooldown. NRC granted enforcement discretion on January 5, 1996, to allow the facility to continue operation while this exigent TS is processed.

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

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff

must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The unavailability of one RCS Loop T_h indication at the HSP cannot be an initiating event for nor affect the progression or mitigation of any licensing basis accident; therefore the probability of occurrence of any licensing accident cannot be affected.

The request proposes to change the minimum channels operable for Wide Range Hot Leg RCS Temperature T_h indication at the HSP. Sufficient alternate instrumentation is available on the HSP to provide the information normally directly obtained from T_h . The current Technical Specifications acknowledge the need to and allow for operation with one T_h inoperable for the Allowed Outage Time (AOT) in the action statement. The current Technical Specifications have an AOT of seven days. Further, the improved Standard Technical Specifications allows an AOT of 30 days. The duration of this request is not significantly different than these time periods. Thus the consequences of a remote shutdown with the affected instrument inoperable have already been considered and this change will not increase the consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Operation for a period of time with the one RCS Loop T_h unavailable will not create the possibility of a new or different kind of accident from any accident previously evaluated. No hardware modifications are being made and no plant procedures are being revised that would alter normal plant operations.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The Wide Range Hot Leg RCS Temperature indication at the HSP is only required in the event that a remote shutdown from outside the control room is needed. The availability of other remote shutdown indications (including T_c , T_h in other RCS Loops, and Steam Generator pressure) in combination with licensed operators who have been briefed on how to compensate for an inoperable T_h for one RCS Loop using these other indications, assures that the increased

unavailability of the instrument will not have a significant effect in the margin of safety.

The Reactor Building Emergency Cooling system is not an initiator of any accident described in the ANO-1 Safety Analysis Report. The engineering evaluation discussed above verifies that the green train of the Reactor Building Emergency Cooling system remains operable and capable of performing its design function under all postulated accident conditions. Therefore, the probability or consequences of any previously evaluated accident is not increased.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15 day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.