

7. *The estimated number of annual respondents: 2.*

8. *An estimate of the total number of hours needed annually to complete the requirement or request: An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and one hour per response for statements of representative authority. The total burden for all responses is estimated to be 242 hours.*

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable.*

10. *Abstract: 10 CFR Part 60 requires States and Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of a potential repository site, or wish to participate in a license application review for a potential repository. Representatives of States or Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the States and Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.*

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address:

fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by May 15, 1997: Edward Michlovich, Office of Information and Regulatory Affairs (3150-0127), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 7th day of April 1997.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 97-9660 Filed 4-14-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

The Cleveland Electric Illuminating Company; and Ohio Edison Company, et al.; Notice of Consideration of Approval of Application Regarding Corporate Restructuring

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval by issuance of an order under 10 CFR 50.80 of an application concerning the proposed merger between Centerior Energy Corporation (the parent corporation for The Cleveland Electric Illuminating Company (CEI), Toledo Edison Company, and Centerior Service Company (CSC); licensees for Perry Nuclear Power Plant, Unit No. 1) and Ohio Edison Company (Perry licensee). Ohio Edison Company is also the parent company for OES Nuclear, Inc., and Pennsylvania Power Company, which are also licensees for Perry. Perry is a nuclear-powered generating facility that is owned and operated in accordance with Facility Operating License No. NPF-58.

By letter dated December 13, 1996, CEI and CSC, on behalf of themselves and Toledo Edison Company, Ohio Edison Company, OES Nuclear Inc., and Pennsylvania Power Company, informed the Commission of, and are seeking consent regarding, a proposed merger of Centerior Energy Corporation and Ohio Edison Company resulting in the formation of a new single holding company, FirstEnergy Corp. Duquesne Light Company, which is also a licensed owner of the Perry plant, is not involved in the merger. Under the proposed merger, CEI, CSC, Toledo Edison Company, and Ohio Edison Company will become wholly-owned subsidiaries of FirstEnergy Corp. Pennsylvania Power Company and OES Nuclear, Inc., will remain wholly-owned subsidiaries of Ohio Edison Company. The current licensees will continue to hold the license, and no direct transfer of the license will result from the merger.

According to the application, the merger will have no adverse effect on either the technical management or

operation of the Perry plant. The technical management and nuclear organization of the plant operators, CEI and CSC, will continue to remain responsible for plant operation and maintenance after the merger.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the application from CEI and CSC dated December 13, 1996, and the supplemental letter dated February 14, 1997, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 9th day of April 1997.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97-9662 Filed 4-14-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270 50-287, 50-413, 50-414, 50-369 and 50-370]

Duke Power Company, et al.; (Oconee Nuclear Station, Units 1, 2, and 3), (Catawba Nuclear Station Units 1 and 2), and (McGuire Nuclear Station Units 1 and 2)

Exemption

I

Duke Power Company, et al. (DPC or the licensee) is the holder of Facility Operating License Nos. DPR-38, DPR-47 and DPR-55 for the Oconee Nuclear Station, Units 1, 2, and 3; License Nos. NPF-35 and NPF-52 for the Catawba Nuclear Station, Units 1 and 2; and License Nos. NPF-9 and NPF-17 for the McGuire Nuclear Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission in effect now and hereafter.

The Oconee Nuclear Station consists of three pressurized water reactors near Greenville in Oconee County, South Carolina. The Catawba Nuclear Station consists of two pressurized reactors near Rock Hill in York County, South Carolina. The McGuire Nuclear Station consists of two pressurized reactors near Charlotte in Mecklenburg County, North Carolina.

II

Section 73.55 of Title 10 of the *Code of Federal Regulations* (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 an unreasonable risk to the public health and safety."

Section 73.55(d), "Access Requirements," paragraph (1), specifies that "The licensee shall control all points of personnel and vehicle access into a protected area." Section 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." Section 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 area which must be returned upon exit from the protected area * * *."

The licensee has proposed to implement an alternative unescorted access control system that 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 when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to allow such individuals who have unescorted access to take their badges offsite instead of returning them when exiting the site. By letter dated August 23, 1996, the licensee requested an exemption from the 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 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, unescorted access into the protected areas at the Oconee, Catawba, and McGuire units is controlled through the use of a photograph on a badge/keycard (hereafter, referred to as "badge"). The security officers at each entrance station use the photograph on the badge to visually identify the individual requesting access. The licensee's employees and contractor personnel who have been granted unescorted access are issued badges upon entrance at each entrance/exit location and the badges are returned upon exit. The badges are stored and are retrievable at each entrance/exit location. In accordance with 10 CFR 73.55(d)(5), contractors are not allowed to take these badges offsite.

Under the proposed biometric system, each individual who is authorized unescorted entry into protected areas would have the physical characteristics of his/her hand (i.e., hand geometry) registered, along with his/her badge number, in the access control system. When a registered user enters his/her badge into the card reader and places his/her hand onto the measuring surface, the system detects that the hand is properly positioned, and records the image. The unique characteristics of the hand image are then compared with the previously stored template in the access control computer system corresponding to the badge to verify authorization for entry.

Individuals, including plant employees and contractors, would be allowed to keep their badges when they depart the site and, thus, eliminate the need 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).

A Sandia report, "A Performance Evaluation of Biometrics Identification

Devices," SAND91-0276•UC-906, Unlimited Release, June 1991, concluded that hand geometry equipment possesses strong performance and high detection characteristics. Also, based on its own experience with the current photo identification system, the licensee determined that the proposed hand geometry system would provide the same high level of assurance as the current system that access is only granted to authorized individuals. The biometric system has been in use for a number of years at several sensitive Department of Energy facilities and, recently, at other nuclear power plants.

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. When the changes are implemented, the respective Physical Security Plans will be revised to include implementation and testing of the hand geometry access control system and to allow plant employees and contractors to take their badges offsite.

When implemented, the licensee will control all points of personnel access into a protected area under the observation of security personnel through the use of both badge and a hand geometry verification system. The 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 areas.

Since both the badge and hand geometry would be necessary for access into the protected areas, the proposed system would provide 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.

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, this exemption is authorized by law and will not endanger life or property or common defense and

security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption from the requirements of 10 CFR 73.55(d)(5) to allow individuals not employed by the licensee (e.g., contractors) to take their photo identification badges offsite, provided that the proposed hand geometry biometrics system is in effect to control access into protected areas at the Oconee, Catawba, and McGuire nuclear stations.

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 (62 FR 17221).

For further details with respect to this action, see the request for exemption dated August 23, 1996, which is 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 rooms located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina, for the Oconee Nuclear Station; the York County Library, 138 East Black Street, Rock Hill, South Carolina, for the Catawba Nuclear Station; and the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina, for the McGuire Nuclear Station.

This exemption is granted for the Oconee, Catawba, and McGuire nuclear stations with the condition that the corresponding modifications, procedures, training, and revisions to the Physical Security Plans necessary for implementation of the hand geometry biometrics system at the facilities will be submitted to the NRC staff for review and approval.

Dated at Rockville, Maryland, this 9th day of April 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-9659 Filed 4-14-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-390]

Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is

considering issuance of an amendment to Facility Operating License No. NPF-90, issued to Tennessee Valley Authority, (the licensee), for operation of the Watts Bar Nuclear Plant, Unit 1, located in Rhea County, Tennessee.

Environmental Assessment

Identification of the Proposed Action

The current spent fuel pool storage capacity at the Watts Bar Nuclear Plant (WBN) is 1312 fuel assembly storage locations of which 484 are usable. The Tennessee Valley Authority (TVA) requested an amendment to the WBN Unit 1 operating license that would increase the storage capacity of the spent fuel pool to 1835 assemblies. The proposal consists of replacing the existing racks with spent fuel storage racks that were designed, manufactured, and used until 1995 in the Sequoyah Nuclear Plant, increasing the maximum initial enrichment of fuel to 5.0 weight percent (wt%) U-235, changing the spacing of stored fuel assemblies; adding limiting condition for operation (LCO) requirements for the combination of initial enrichment and burnup in an acceptable burnup domain, and requiring the boron concentration to be greater than or equal to 2000 parts per million (ppm) during fuel movement. The submittal also proposed surveillance requirements to verify the initial enrichment and burnup and require chemical analysis to verify boron concentration. The proposed action is in accordance with the licensee's application for amendment dated October 23, 1996, as supplemented by letters dated December 11, 1996, January 31, February 10 and 24, and March 11 and , 1997.

The Need for the Proposed Action

WBN is in its first operating cycle; therefore, the spent fuel pool is dry and no fuel assemblies are stored in it. Under current conditions, the spent fuel pool capacity will support three to four cycles of operation before losing the capacity for a full core offload (193 fuel assemblies). However, taking into account loading new fuel into the pool and component shuffling during an outage, the ability to accept a discharge of one full core off-load could be impacted as early as the year 2000. There are no commercial independent spent fuel storage facilities operating in the U.S., nor are there any domestic reprocessing facilities; therefore, the projected loss of storage capacity in the WBN pool would affect TVA's ability to operate WBN. The proposed amendment is needed to ensure the

capability of full core offload is available for some time in the future.

Alternatives to the Proposed Action

The licensee considered several wet and dry storage alternatives to the proposed action. The following wet storage alternatives were considered by the licensee: reracking with new ultra high density racks, rod consolidation, and transshipment (pool-to-pool). The following dry storage alternatives were considered by the licensee: metal casks, concrete casks, concrete vaults, and multi-purpose canisters/overpacks. The licensee considered several factors when evaluating the options: effects on plant systems and operations; impacts on safety, including fuel handling; radiation exposure; industry experience; subsequent actions for further increasing onsite spent fuel storage capacity; flexibility for ultimate disposal of spent fuel; and overall costs. Based on these considerations, the licensee determined that reuse of the Sequoyah Nuclear Plant storage racks was the most viable option.

In 1975, the staff prepared a Generic Environmental Impact Statement (GEIS) on spent fuel storage. The findings were documented in NUREG-0575, "Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel." The storage of spent fuel, as discussed in the NUREG, is considered to be an interim action, not a final solution to permanent disposal. The methods of expanding spent fuel storage capacity considered in the FGEIS identified negligible differences in the environmental impacts and costs of the different alternatives, with the exception that expansion of the spent fuel pool was less costly and did not involve transportation issues. The FGEIS noted that since there are variations in storage design and limitations caused by spent fuel already stored in the pools, licensing reviews should be performed on a case-by-case basis to resolve plant-specific concerns.

The staff evaluated the licensee's list of alternatives as well as other alternatives. The following alternatives were considered by the staff:

Shipment of Fuel to a Permanent Federal Fuel Storage/Disposal Facility

Shipment of spent fuel to a high-level radioactive storage facility is an alternative to increasing the onsite spent fuel storage capacity. However, the U.S. Department of Energy's (DOE's) high-level radioactive waste repository is not expected to begin receiving spent fuel until approximately 2010, at the earliest. In October 1996, the Administration did