

Government in the Sunshine Act would be improperly disclosed.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 97-13243 Filed 5-20-97; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-454 and STN 50-455]

### Commonwealth Edison Company; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Commonwealth Edison Company (ComEd, the licensee) to withdraw its August 19, 1996, application for proposed amendments to Facility Operating License Nos. NPF-37 and NPF-66 for the Byron Station, Units Nos. 1 and 2, located in Ogle County, Illinois.

The proposed amendments would have revised the Byron, Unit 1, Technical Specifications (TS) to extend, for one additional operating cycle, the steam generator tube voltage-based repair criteria presently in the Byron, Unit 1, TSs.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on February 12, 1997 (62 FR 6570). However, by letter dated April 29, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated August 19, 1996, and the licensee's letter dated April 29, 1997, which withdrew the application for license amendments. The above documents 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 Byron, Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 14th day of May 1997.

For the Nuclear Regulatory Commission.

**M.D. Lynch,**

*Senior Project Manager, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-13273 Filed 5-20-97; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

### In the Matter of Consumers Power Company; (Palisades Plant); Exemption

I

Consumers Power Company (CPCo, the licensee) is the holder of Facility Operating License No. DPR-20 which authorizes operation of the Palisades Plant. The Palisades facility is a pressurized water reactor located at the licensee's site in Van Buren County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

In 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."

In 10 CFR 73.55(d), "Access Requirements," paragraph (1), It specifies that "The licensee shall control all points of personnel and vehicle access into a protected area." Also, 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." 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 the protected area which must be returned upon exit from the protected area \* \* \*."

The licensee proposes to implement an alternative unescorted access system that 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 Palisades site.

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. 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 protected area of Palisades for both employee and contractor personnel 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 Palisades 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. A numbered picture badge identification system will continue to be used for all individuals who are authorized access to the protected area without escorts. Badges will continue to be displayed by

all individuals while inside the protected area.

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 that 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 plan 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 Palisades 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 the 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 Palisades site. The exemption is granted on the condition that the licensee implements a system testing process and revises the

site security plan as discussed in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (62 FR 22975).

Dated at Rockville, Maryland, this 14th day of May, 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-13275 Filed 5-20-97; 8:45 am]

BILLING CODE 7590-01-P

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

#### **Southern Nuclear Operating Company, Inc., et al.; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Southern Nuclear Operating Company, Inc. (the licensee) to withdraw its April 22, 1996, application for proposed amendment to Facility Operating License No. NPF-8 for the Joseph M. Farley Nuclear Plant, Unit 2, located in Houston County, Alabama.

The proposed amendment would have revised the facility technical specifications pertaining to implementation of an L\* repair criteria for the FNP Unit 2 steam generators.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 3, 1996 (61 FR 34899). However, by letter dated May 5, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 22, 1996, as supplemented by letters dated May 3, July 25, August 30, September 16 and 19, and October 8, 1996, and the licensee's letter dated May 5, 1997, 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, NW., Washington, DC, and at the local public document room located at the Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama.

Dated at Rockville, Maryland, this 14th day of May 1997.

For the Nuclear Regulatory Commission.

**Jacob I. Zimmerman,**

*Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-13272 Filed 5-20-97; 8:45 am]

BILLING CODE 7590-01-P

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

#### **Duquesne Light Company; Ohio Edison Company; Pennsylvania Power Company; Beaver Valley Power Station, Unit No. 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. DPR-66, issued to Duquesne Light Company, et al. (the licensee), for operation of the Beaver Valley Power Station, Unit No. 1 (BVPS-1), located in Beaver County, Pennsylvania.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed amendment would revise BVPS-1 Technical Specification (TS) 5.3.1.2 to allow storage of new reactor fuel in the new fuel storage racks with an enrichment not to exceed a nominal 5.0 weight percent Uranium-235.

The proposed amendment is in accordance with the licensee's application for dated February 27, 1997.

##### *The Need for the Proposed Action*

The proposed changes to the Facility Operating License are needed so that the licensee can store and use more highly enriched fuel, and thereby provide the flexibility of extending the fuel irradiation/burnup to permit longer fuel cycles (i.e., longer continuous period of operation). Use of the proposed more highly enriched fuels would require the use of fewer fuel assemblies over the remaining life of the plant.

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed revisions to the TS. The proposed revisions would permit storage of new fuel in the new fuel storage racks and subsequent use of fuel enriched with Uranium-235 (U-235) to a nominal 5.0 weight percent (5.0 weight percent plus a tolerance of 0.05 weight percent). The safety considerations associated with the storage of and subsequent reactor