

the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 20555-0001, Attention: Rulemakings and Adjudications Staff, 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 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 Alexander W. Dromerick, Acting Director: 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 20555-0001, and to Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW.,

Washington, DC 20005-3502, 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).

For further details with respect to this action, see the application for amendment dated May 16, 1997, 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 room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 30th day of May 1997.

For the Nuclear Regulatory Commission.

**Alexander W. Dromerick,**

*Acting Director, Project Directorate I-1,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 97-14534 Filed 6-3-97; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### **Toledo Edison Company, Centerior Service Company and the Cleveland Electric Illuminating Company; Davis-Besse Nuclear 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 exemption from certain requirements of its regulations to Facility Operating License No. NPF-3, issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station (DBNPS), located in Ottawa County, Ohio.

#### **Environmental Assessment**

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

The proposed action would exempt the licensees from certain requirements of 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage." The requested exemption would allow the

implementation of a hand geometry biometric system of site access control in conjunction with photograph identification badges and would allow the badges to be taken offsite. The proposed action is in accordance with the licensees' application for exemption dated January 20, 1997, which superseded the previous application dated June 28, 1996, as supplemented by letter dated October 4, 1996. A previous environmental assessment addressing the June 28, 1996, submittal, as supplemented October 4, 1996, was published on August 14, 1996 (61 FR 42273).

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

Pursuant to 10 CFR 73.55(a), the licensees are required to establish and maintain an onsite physical protection system and security organization.

In 10 CFR 73.55(d), "Access Requirements," it is specified in part that "The licensee shall control all points of personnel and vehicle access into a protected area." In 10 CFR 73.55(d)(5), it is specified in part that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." It is further specified that an individual not employed by the licensee (for example, contractors) may be authorized access to protected areas without an escort provided the individual "receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area \* \* \*."

Currently, unescorted access for both employee and contractor personnel into the DBNPS 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. The picture badges are issued, stored, and retrieved at the entrance/exit location to the protected area. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges offsite. In addition, in accordance with the plant's physical security plan, the licensees' employees are also not allowed to take their picture badges offsite. The licensees propose to implement an alternative unescorted access control system that would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area. The proposal would also allow contractors who have unescorted access to keep their picture badges in their possession

when departing the DBNPS site. In addition, the site security plans will 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 DBNPS site.

An exemption from certain requirements of 10 CFR 73.55(d)(5) is needed to authorize implementation of the licensees' proposal.

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

The Commission has completed its evaluation of the proposed action. In addition to their picture badges, all individuals with authorized unescorted access will 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 have not only their picture badges to gain access into the protected area, but must also have their hand geometry confirmed.

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. The proposed system is only for individuals with authorized unescorted access and will not be used for individuals requiring escorts.

The underlying purpose for requiring that individuals not employed by the licensees must receive and return their picture badges at the entrance/exit is to provide reasonable assurance that the access badges could not be compromised or stolen with a resulting risk that an unauthorized individual could potentially enter the protected area. Although the proposed exemption will allow individuals to take their picture badges offsite, the proposed measures require that not only the picture badge be provided for access to the protected area, but also that verification of the hand geometry registered with the badge be performed as discussed above. Thus, the proposed system provides an identity verification process that is at least equivalent to the existing process.

Accordingly, the Commission concludes that the proposed exemption to allow individuals not employed by the licensees to take their picture badges offsite will not result in an increase in the risk that an unauthorized individual could potentially enter the protected area. Consequently, the Commission concludes that granting the exemption will not increase the probability or

consequences of any accident, will make no changes in the types of any effluents that may be released offsite, and will not significantly increase the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the DBNPS.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on April 1, 1997, the staff consulted with the Ohio State official, Carol O'Claire of the Ohio Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensees' letter dated January 20, 1997, 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 room located at the University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 29th day of May 1997.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins,**

*Acting Director, Project Directorate III-3, Division of Reactor Projects—III/TV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-14533 Filed 6-3-97; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATE:** Weeks of June 2, 9, 16, and 23, 1997.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### **MATTERS TO BE CONSIDERED:**

*Week of June 2*

*Wednesday, June 4*

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

*Week of June 9—Tentative*

*Wednesday, June 11*

9:00 a.m.—Briefing by the Executive Branch (Closed—Ex. 1)

*Thursday, June 12*

1:30 p.m.—Briefing on Status of License Renewal (Public Meeting), (Contact: P.T. Kuo, 301-415-3147)

3:00 p.m.—Briefing on Steam Generator Issues (Public Meeting), (Contact: Brian Sheron, 301-415-2722)

4:30 p.m.—Affirmation Session (Public Meeting) (if needed)

*Friday, June 13*

9:00 a.m.—Briefing on Medical Regulation Issues (Public Meeting), (Contact: Catherine Haney, 301-415-6852)

*Week of June 16—Tentative*

*Thursday, June 19*

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

*Week of June 23—Tentative*

*Wednesday, June 25*

10:00 a.m.—Briefing on Operating Reactors and Fuel Facilities (Public Meeting), (Contact: William Dean, 301-415-1726)

11:30 a.m.—Affirmation Session