Office of Information and Regulatory Affairs (3150–0101), 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 30th day of July 1997.

For the Nuclear Regulatory Commission.

**Arnold E. Levin,**

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 97–20877 Filed 8–6–97; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Application for a License To Export Nuclear Material

Pursuant to 10 CFR 110.70 (b) ''Public notice of receipt of an application'', please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of the applications for licenses to export nuclear grade graphite and heavy water as defined in 10 CFR Part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning the application follows.

NRC EXPORT LICENSE APPLICATION

| Name of applicant, date of application, date received, application No. | Description of Items to be exported | Country of destination |
|---|---|---|
| Cambridge Isotope Labs, 07/14/97, 07/16/97, XMAT0395 ..... | Heavy Water to Canada for upgrading and return to U.S. ..... | Canada |

For the Nuclear Regulatory Commission.

Dated this first day of August 1997 at Rockville, Maryland.

**Ronald D. Hauber,**

*Director, Division of Nonproliferation, Exports and Multilateral Relations, Office of International Programs.*

[FR Doc. 97–20891 Filed 8–6–97; 8:45 am]

**BILLING CODE 7590–01–M**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–369 and 50–370]**

### In the Matter of Duke Power Company; (McGuire Nuclear Station, Units 1 and 2); Exemption

**I**

The Duke Power Company (the licensee) is the holder of Facility Operating 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 now or hereafter in effect.

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

**II**

Title 10 of the *Code of Federal Regulations* (10 CFR) at subsection (a) of 10 CFR 70.24, ''Criticality Accident Requirements,'' requires that each licensee authorized to possess special nuclear material shall maintain in each area where such material is handled, used, or stored, a criticality accident monitoring system ''using gamma-or neutron-sensitive radiation detectors which will energize clearly audible alarm signals if accidental criticality occurs.'' Subsection (a)(1) and (a)(2) of 10 CFR 70.24 specify the detection, sensitivity, and coverage capabilities of the monitors required by 10 CFR 70.24(a). Subsection (a)(3) of 10 CFR 70.24 requires that the licensee shall maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored and provides (1) that the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality monitor alarm, (2) that the procedures must include drills to familiarize personnel with the evacuation plan, and (3) that the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) requires licensees to have a means to quickly identify personnel who have received a dose of 10 rads or more. Subsection (b)(2) requires licensees to maintain personnel decontamination facilities, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Subsection (c) exempts Part 50 licensees (such as McGuire) from the requirements of paragraph (b). Subsection (d) states that any licensee who believes that there is good cause why he should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

By letter dated February 4, 1997, as supplemented March 19, 1997, Duke Power Company requested an exemption for all its nuclear plants from the requirements of 10 CFR 70.24. The staff has reviewed the licensee's submittal, and documented its detailed review in a Safety Evaluation. The staff found that existing procedures and design features make an inadvertent criticality in special nuclear materials handling or storage at McGuire unlikely. The licensee has thus met the intent of 10 CFR 70.24(d) by the low probability of an inadvertent criticality in areas where fresh fuel could be present, by the licensee's adherence to General Design Criterion 63 regarding radiation monitoring, and by provisions for personnel training and evacuation.

**III**

Section 70.14 of 10 CFR, ''Specific exemptions,'' states that

The Commission may, upon application by 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.

Section 70.24(d) of 10 CFR states that

Any licensee who believes that good cause exists why he should be granted an exemption in whole or in part from the requirements of this section may apply to the Commission for such exemption.

Accordingly, the Commission has determined that good cause is present as defined in 10 CFR 70.24(d). The Commission has further determined that, pursuant to 10 CFR 70.14, the exemption is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Therefore, the Commission hereby grants Duke Power Company an exemption from the requirement of 10 CFR 70.24(a)(1), (2), and (3) for McGuire, Units 1 and 2, on the bases as stated in Section II above.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (62 FR 41101).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of July 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97–20878 Filed 8–6–97; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

## Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, Atlantic City Electric Company, Salem Nuclear Generating Station, Units 1 and 2 and Public Service Electric and Gas Company, Atlantic City Electric Company, Hope Creek Generating Station; Exemption

**[Docket Nos. 50–272 and 50–311; Docket No. 50–354]**

**I.**

The Public Service Electric and Gas Company, et al. (PSE&G, the licensee), is the holder of Facility Operating License Nos. DPR–70, DPR–75 and NPF–57, which authorize operation of the Salem Nuclear Generating Station, Units 1 and 2, and Hope Creek Generating Station (Salem/Hope Creek). The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The facilities consist of two pressurized water reactors, Salem Units 1 and 2, and a boiling water reactor, Hope Creek, located at the licensee's site in Salem County, New Jersey.

**II.**

It is stated in 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,'' paragraph (a), ''General performance objective and requirements,'' 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.''

It is specified in 10 CFR 73.55(d), ''Access Requirements,'' paragraph (1), that ''The licensee shall control all points of personnel and vehicle access into a protected area.'' It is specified in 10 CFR 73.55(d)(5) that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort. . . .'' It 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 proposed to implement an alternative unescorted access control system which 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 badge with them when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to allow contractors who have unescorted access to take their badges offsite instead of returning them when exiting the site. By letter dated January 17, 1997, the licensee requested an exemption from certain 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 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 Salem/Hope Creek site, unescorted access into protected areas is controlled through the use of a photograph on a combination badge and keycard. (Hereafter, these are referred to as a ''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 employee 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 report entitled, ''A Performance Evaluation of Biometric Identification Devices'' (SAND91—0276