REQUIREMENTS FOR METHODOLOGY AND PTLR—Continued

Provisions for methodology from administrative controls section in sts	Minimum requirements to be included in methodology	Minimum requirements to be included in PTLR
5. The limiting ART shall be incorporated into the calculation of the pressure and temperature limit curves in accordance with NUREG–0800, SRP Section 5.3.2, Pressure-Temperature Limits.	Describe the application of fracture mechanics in constructing P/T curves based on ASME Code, Appendix G, Section XI, and SRP Section 5.3.2.	Provide the P/T curves for heatup, cooldown, criticality, and hydrostatic and leak tests.
6. The minimum temperature requirements of Appendix G to 10 CFR Part 50 shall be incorporated into the pressure and temperature limit curves.	Describe how the minimum temperature requirements in Appendix G to 10 CFR Part 50 are applied to P/T curves.	Identify minimum temperatures on the P/T curves such as minimum boltup temperature and hydrotest temperature.
7. Licensees who have removed two or more capsules should compare for each surveillance material the measured increase in reference temperature (RT_{NDT}) to the predicted increase in RT_{NDT}; where the predicted increase in RT_{NDT} is based on the mean shift in RT_{NDT} plus the two standard deviation value ($2\sigma_{\Delta}$) specified in Regulatory Guide 1.99, Revision 2. If the measured value exceeds the predicted value (increase in $RT_{NDT} + 2\sigma_{\Delta}$), the licensee should provide a supplement to the PTLR to demonstrate how the results affect the approved methodology.	Describe how the data from multiple surveillance capsules are used in the ART calculation. Describe procedure if measured value exceeds predicted value. WHEN OTHER PLANT DATA ARE USED ..... 1. Identify the source(s) of data when other plant data are used. 2.a Identify by title and number the safety evaluation report that approved the use of data for the plant. Justify applicability. OR 2.b Compare licensee data with other plant data for both the radiation environments (e.g., neutron spectrum, irradiation temperature) and the surveillance test results.	Provide supplemental data and calculations of the chemistry factor in the PTLR if the surveillance data are used in the ART calculation. Evaluate the surveillance data to determine if they meet the credibility criteria in Regulatory Guide 1.99, Revision 2. Provide the results.

•Technical Specifications

The following changes must be made to the plant TS to complete the three requirements for relocating the curves and setpoints to an alternative document.

Three separate actions are necessary to modify the plant TS: (1) ''Definitions''—the addition of the definition of a named formal report (PTLR or a similar document) that would contain the explanations, figures, values, and parameters derived in accordance with an NRC-approved methodology and consistent with all of the design assumptions and stress limits for cyclic operation; (2) LCOs—the addition of references to the PTLR noting that the P/T limits shall be maintained within the limits specified in the PTLR; and (3) ''Administrative Controls''—the addition of a reporting requirement to submit to the NRC the PTLR, when it is issued, for each reactor vessel fluence period.

1. *Definitions*

Section 1.0, ''Definitions,'' should contain the following language:

Pressure Temperature Limits Report (PTLR)

The PTLR is the unit-specific document that provides the reactor vessel P/T limits and setpoints, including heatup and cooldown rates, for the current reactor vessel fluence period. These P/T limits shall be determined for each fluence period in accordance with Specification 5.X.X.X. Plant operation within these operating limits is addressed in LCO 3.X.X, ''RCS Pressure and Temperature (P/T) Limits,'' and LCO 3.X.X, ''Low Temperature Overpressure Protection (LTOP) System.''

2. *Limiting Conditions for Operation (LCOs) and Bases*

LCO 3.X.X, ''RCS Pressure and Temperature (P/T) Limits,'' and LCO 3.X.X, ''Low Temperature Overpressure Protection (LTOP) System,'' must reference the PTLR as the document where the limits and curves can be found as demonstrated in the attached model TS. The bases for these LCOs should be modified accordingly.

3. *Administrative Controls*

Section 5.X, ''Administrative Controls,'' Subsection 5.X.X, ''Reporting Requirements,'' must contain the following information:

Section 5.X.X.X *Reactor Coolant System (RCS) PRESSURE AND TEMPERATURE LIMITS REPORT (PTLR)*

a. RCS pressure and temperature limits for heatup, cooldown, LTOP, criticality, and hydrostatic testing as well as heatup and cooldown rates shall be established and documented in the PTLR for the following: [The individual specifications that address RCS pressure and temperature limits must be referenced here.]

b. The analytical methods used to determine the RCS pressure and temperature limits shall be those previously reviewed and approved by the NRC, specifically those described in the following document(s): [Identify the NRC staff approval document(s) by date.]

c. The PTLR shall be provided to the NRC upon issuance for each reactor vessel fluence period and for any revision or supplement thereto.

* * * * *

Dated at Rockville, Maryland, this 25th day of May 1995.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Director, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–13514 Filed 6–1–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Company, Zion Nuclear Power Station, Units 1 and 2; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has acted on a Petition for action under 10 CFR 2.206 received from Mr. Robert K. Rutherford and 43 other security guards, dated November 3, 1994, regarding the Zion Nuclear Power Station, Units 1 and 2.

The Petitioners requested that the NRC reassess and withdraw its approval

of the new response team member (RTM) security plan. It also demanded additional justification from both Commonwealth Edison Company (ComEd, the Licensee) and the security contractor concerning the reduction of armed guards and the defense of the plant.

The Director of the Office of Nuclear Reactor Regulation has determined that the request should be denied for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–95–09), the complete text of which follows this notice and which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C. 20555, and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, this Decision will constitute the final action of the Commission 25 days after the date of issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 26th day of May 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

I. Introduction

By letter dated November 3, 1994, Mr. Robert K. Rutherford and 43 other security guards at the Zion Nuclear Power Station (Petitioners) requested that the Nuclear Regulatory Commission (NRC) rethink and withdraw its approval of the October 7, 1994, revisions to the Zion Nuclear Power Station security plan, and demand greater justification from both Commonwealth Edison Company (ComEd or Licensee) and its security contractor concerning the proposal to reduce the number of armed guards and the defense of the Zion Nuclear Power Station. Petitioners also requested that the manning and positioning of armed guards be reconsidered and increased to a more sound defensive position.

As the bases for these requests, Petitioners allege that (1) the revised Response Team Member (RTM) plan degrades actual plant security to the point of folly; (2) the proposed qualifications for the RTM plan are causing employee turnover, undue stress, labor problems, and inconsistency in plant defense; (3) monetary considerations should not take priority over plant defense and administrative jobs should not replace front-line security guards; (4) the total disarming of the owner controlled areas and protected areas is highly detrimental to plant defense and public safety; and (5) modern armaments and increased hostility among the general public as well as potential terrorist threats from either domestic and/or international sources have not abated. In addition, a copy of the same Petition was sent to United States Senator Paul Simon of Illinois, who referred it to the Department of Energy (DOE). The DOE forwarded the copy of the Petition to the NRC. On this copy of the Petition, a handwritten note stated the following: ''Low level waste is now being stored in the owner controlled area with no security patrols except a casual tour once per eight hour shift.''

By letter dated December 22, 1994, the NRC acknowledged receipt of the Petition and indicated that the NRC staff would take action within a reasonable time. Commonwealth Edison Company responded to the Petition by letter dated February 27, 1995. Petitioner replied to the ComEd response by letter dated February 28, 1995, supplementing the Petition with further detail.

The Licensee's letter briefly described the revision to the security plan contained in its October 7, 1994, letter and explained that although the total number of guards on-site will be decreased, the number of armed response personnel at Zion Station has not been changed and will continue to exceed the minimum requirements of 10 CFR 73.55(h)(3). The Licensee's February 27, 1995, letter also stated that certain administrative functions such as those performed by x-ray and metal detector machine operators, security badge issue personnel and personnel search will be performed by watchmen. It went on to say that four of the six ComEd nuclear sites implemented the TRM plan in 1994, another implemented it in January 1995, and Zion is scheduled for implementation in June 1995. In addition to this general description of the revision to the security plan, the letter addressed each point in the Petition.

For the reasons discussed below, I have concluded that the Petitioners have not raised any substantial safety concern, and I, therefore, deny the Petition.

II. Background

The Licensee's original security plan, submitted in a letter dated November 18, 1977, and supplemented in letters dated May 26, 1978, and June 25, 1978, included an armed response commitment. The NRC staff reviewed the security plan against the general performance requirements of 10 C.F.R. 73.55(a) and the specific requirements of 10 C.F.R. 73.55(b) through (h). In particular, the NRC staff concluded that the physical security organization met the requirements of 10 C.F.R. 73.55(b)(1) regarding the written agreement with the security contractor and the requirements of 10 C.F.R. § 73.55(b)(2) regarding the onsite presence of a full time member of the security organization with the authority to direct physical protection activities of the security organization. Based on a review, principally of the size of the site, the location of the vital areas, and the response capability of the local law enforcement agencies, the NRC staff also concluded that the security plan met the response requirements of 10 C.F.R. 73.55(h). In particular, the number of guards in the plan substantially exceeded the requirements of 10 C.F.R. 73.55(h)(3) concerning the minimum number of guards on-site. As defined in 10 C.F.R. 73.2, a guard is a uniformed individual armed with a firearm. A watchman is an individual, not necessarily uniformed or armed with a firearm, who provides protection for a plant in the course of performing other duties, and armed response personnel are persons who are uniformed, whose primary duty in the event of attempted radiological sabotage shall be to respond, armed and equipped, to prevent or delay such actions. The NRC staff concluded that Zion facility's security plan was satisfactory and that it was adequate to protect the Zion facility from threats, thefts, and radiological sabotage directed from within or outside the facility. Consequently, the NRC staff issued a Security Plan Evaluation Report (SPER), dated March 14, 1979, which concluded that upon full implementation, the security plan would meet the general performance requirements of 10 C.F.R. 73.55(a) and the specific requirements of 10 C.F.R. 73.55(b) through (h), and that the security plan would ensure that the health and safety of the public would not be endangered from threats, thefts, and radiological sabotage directed at the Zion facility.

By letter dated October 7, 1994, ComEd submitted a revision to the security plan for Zion Station pursuant to 10 C.F.R. 50.54(p), which allows licensees to make changes to their security plans without prior NRC approval, provided the changes do not

reduce the effectiveness of the plan. The October 7, 1994, revision included use of watchmen in positions that formerly used guards. The revision reduced the total number of guards on-site, but did not change the number of armed response personnel. In its October 7, 1994, submittal, the licensee stated that the revision did not reduce the effectiveness of the plan.

III. Discussion

A. Plant Security

Petitioners contend that the revised RTM security plan degrades actual plant security ''to the point of folly.'' Petitioners' supplemental letter of February 28, 1995, requests that the NRC guarantee that ComEd will not reduce the number of armed responders to five.

The total number of guards immediately available at a nuclear power plant to fulfill NRC response requirements shall nominally be ten, unless specifically required otherwise on a case-by-case basis by the Commission; however, this number may not in any case be reduced to less than five guards. 10 C.F.R. 73.55(h)(3).

Although the October 7, 1994, revision to the security plan will reduce the total number of guards on-site, the number of armed response personnel at the Zion facility will not change and will continue to exceed the minimum number of armed response personnel required by 10 C.F.R. 735(h)(3). The regulations address the use of both guards and watchmen in a security force. Historically, most licensees have used a combination of the two because there are certain job assignments that do not require use of a guard, i.e., central alarm station and secondary alarm station operator, personnel escorts in the protected and vital areas, x-ray and metal detector machine operators, security badge issue personnel, and personnel searchers. In the past, ComEd far exceeded the guard requirement, having guards even where they were not required by regulations. The NRC staff has reviewed the revised RTM security plan and concluded that it provides sufficient site security, is not inimical to the common defense and security, and that protection of the public health and safety does not require the Licensee to increase the number of its armed response personnel or guards beyond the levels reflected in the revised plan. Moreover, the NRC staff concluded that the revisions are acceptable and would not decrease the effectiveness of the security plan.

In view of the above, Petitioners have not raised a substantial safety concern regarding the reduction in the number of armed security personnel.

B. Effects of the Proposed Revision to the Zion Nuclear Power Station Security Plan on Employees and Plant Defense

Petitioners contend that the new qualifications for armed guard positions in the revised security plan will cause employee turnover, undue stress, labor problems, and inconsistency in plant defense.

Petitioners state in their February 28, 1995, supplemental letter that inconsistencies exist in that: unarmed personnel (watchmen and inspectors) are permitted to respond to intrusion alarms although they have had no physical agility testing; unarmed personnel escort vehicles into a door zone which has direct containment access, although the NRC has directed that armed personnel be placed at Vertical Pipe Chase doors to prevent such access; and unarmed personnel intermingle with armed personnel at the main gate, which could be disastrous in the event of a firearms exchange.

NRC regulations only require that unarmed personnel such as watchmen shall have no physical weaknesses or abnormalities that would adversely affect their performance of assigned security job duties, 10 C.F.R. part 73, appendix B, criterion I.B.1.a., and do not specify which type of security officer should respond to intrusion alarms. The regulations also only require that vehicles be escorted in the protected and vital areas, 10 C.F.R. 73.55(d)(4), and do not specify whether the escort must be an armed or unarmed officer. Moreover, NRC regulations do not require control of vital area doors and barriers by an armed security officer. Finally, there is no prohibition of both armed and unarmed personnel occupying access control facilities; in fact it is a common practice at many sites. It should be noted that 10 C.F.R. part 73 is ''performance oriented,'' with the specific implementation left to the licensee in the site specific security plan. The details of the specific commitments depend on the specific site factors. As noted below, the NRC staff review of the Zion security plan concluded that Zion meets the requirements of 10 C.F.R. 7355(b) through (h).

In February 1994, NRC inspectors identified security force morale as poor due to continuing personnel layoffs to reduce security force shift manning levels to the minimum required to meet security plan commitments. NRC Inspection Report No. 50–295/94005 and 50–304/94005, dated March 22, 1994. In April 1994, the NRC staff conducted another physical security inspection and concluded that overall security performance was good. In addition, the NRC staff noted that morale had improved, due to better communication with security staff members during the backshifts following key personnel changes in the contract security management organization. However, the NRC staff was concerned that continued high overtime hours worked by the security force had the potential to negatively affect performance. Security force staffing levels were sufficient to meet security plan commitments, but were strained to support unplanned maintenance work. NRC Inspection Report No. 50–295/94011 and 50–304/94011, dated May 25, 1994. The NRC staff continues to monitor the performance of the security staff through security inspections, and the continued inspections by its resident inspector staff.

During an NRC staff inspection of the Zion facility in October and November 1994, tactical response drills were conducted in which the security force demonstrated a high level of proficiency. NRC Inspection Report No. 50–295/94021 and 50–304/94021, dated December 12, 1994. The other five ComEd sites have already implemented their version of the October 7, 1994, security plan revision. An NRC inspection at LaSalle County Station in July 1994 did not find any inconsistencies in plant defense or adverse effects of the revised RTM plan on plant physical protection and safety. The NRC staff found that ComEd has continued to meet its armed response personnel commitments to the NRC. NRC Inspection Report Nos. 50–295/94005 and 50–304/94005, dated March 22, 1994; 50–295/94011 and 50–304/94011, dated May 25, 1994; 50–295/94021 and 50–304/94021, dated December 12, 1994. Accordingly, there is no reason to expect that implementation of the revised security plan at the Zion facility will result in inconsistencies in plant defense or adverse effects on plant physical protection and safety.

The October 7, 1994, revision to the security plan provided for an improved selection process that would result in the most qualified personnel performing armed responder duties. The revised selection criteria are higher objective standards for proficiency in firearms, physical agility, and knowledge of the security plan. It is ComEd's plan that security guards who cannot meet the new criteria to be an RTM member will be reassigned to the administrative duties of watchmen. Although such a

reassignment could conceivably cause morale problems and turnover for such individuals, use of a process reasonably designed to select the guards who are best qualified for armed response personnel duties is in the best interest of the common defense and security and the public health and safety.

In view of the above, the Petitioners have not raised a substantial safety concern regarding security force morale or inconsistencies in plant security.

C. Monetary Considerations and Administrative Jobs

Petitioners assert that monetary considerations should not take priority over plant defense and administrative jobs should not replace frontline security guards.

Regardless of any anticipated Licensee savings or increased expenses that might be associated with the October 7, 1994, revision to the Licensee's security plan, the NRC staff must review the revised plan for compliance with 10 C.F.R. 73.55. In particular, the NRC staff considered whether the Licensee's on-site physical protection system and security organization include the capabilities to meet the requirements of 10 C.F.R. 73.55(b) through (h). As explained in Section III.A above, the NRC staff concluded that the October 7, 1994, security plan revision to reduce the number of guards does not violate 10 C.F.R. 73.55. Moreover, after review of the October 7, 1994, revisions to the security plan, the NRC staff found that the revisions are acceptable and would not decrease the effectiveness of the security plan.

For the reasons stated above, Petitioners have not raised a substantial safety concern regarding the reduction in the number of guards at the Zion facility.

D. Disarming of Owner Controlled and Protected Areas

Petitioners assert that the total disarming of the owner controlled area and the protected area is highly detrimental to plant defense and public safety.

Contrary to Petitioners' assertions, the Zion facility has not been totally disarmed. As explained above, at Section II.A., the Zion security plan meets NRC requirements for armed personnel. The Commission's regulations do not require any guards in the owner controlled area. Security of the station is centered around protecting selected vital equipment situated within the protected area. *See* 10 C.F.R. 73.55.

Prior to initial plant licensing, the NRC staff evaluated the Licensee's security plan to ensure that it met the general performance objective and requirements of 10 C.F.R. 73.55(a) and that it implemented the more prescriptive requirements of 10 C.F.R. 73.55 (b) through (h). In addition, the NRC staff observed drills to ensure that the Licensee could effectively implement its security plan; in particular, to ensure that the security force could successfully perform the requirements of 10 C.F.R. 73.55(h)(4), which are to determine the existence of a threat, assess the extent of the threat, take immediate concurrent measures to neutralize the threat by requiring responding guards to interpose themselves between vital areas and any adversary attempting entry for the purpose of radiological sabotage and inform local law enforcement agencies of the threat and request assistance. When a licensee submits a revision to its security plan, the NRC staff evaluates it to ensure the same general performance objective and requirements of 10 C.F.R. 73.55(a) and the more prescriptive requirements of 10 C.F.R. 73.55 (b) through (h) are being met and implemented. Periodically, the NRC staff also continues to observe tactical response drills to ensure that the licensee remains capable of effectively implementing its security plan by demonstrating threat response as required by 10 C.F.R. 73.55(h)(4).

The staff evaluated the Licenee's October 7, 1994, revision to the physical security plan and found that it met the requirements of 10 C.F.R. 73.55. Although Zion has not implemented the new RTM plan, an NRC inspection at LaSalle County Station (which has implemented the new RTM plan) in July 1994 did not find any inconsistencies in plant defense or adverse impacts on plant physical protection and safety.

Based on the above, the Petitioners have not raised a substantial safety concern regarding security of the owner controlled areas and the protected area.

E. Potential Threats

Petitioners assert that modern armaments and increase hostility among the general public as well as potential terrorist threats from either domestic and/or international sources have not abated.

NRC regulations establish a framework for security plans with respect to such matters as terrorist attacks against licensed nuclear power plants. 10 C.F.R. part 73. As explained above, although the October 7, 1994, revision to the Zion security plan will result in a reduced number of armed guards, the number of armed response personnel will not decline and the Licensee continues to meet the specific requirements of 10 C.F.R. 73.55(h)(3) with respect to the number of armed response personnel. In addition, NRC regulations require that in designing safeguards systems, licensees shall use the design basis threats contained in the regulations, including those for the type of radiological sabotage referred to by Petitioners. 10 C.F.R. 73.1(a)(1). On a daily basis, the staff threat-related information to ensure the design basis threat statements in the regulations remain a valid basis for safeguards system design. On a semi-annual basis, the results of this staff review are formally documented and forwarded to the Commission. To date, no credible threat to licensed facilities has been identified that would warrant a modification to the design basis threat statements in the regulations. After review of the October 7, 1994, revision to the Zion facility security plan, the NRC staff concludes that the revised security plan does not decrease the effectiveness of the plan in protecting the facility against design basis threats and that the revised plan meets the requirements of 10 C.F.R. part 73.

In view of the above, the Petitioners have not raised a substantial safety concern regarding sabotage or theft of special nuclear material at the Zion facility.

F. Manning and Positioning of Armed Guards

Petitioners asked that both manning and positioning of armed guards be reconsidered and increased back to a more sound defense posture.

Specifically, Petitioners state in their February 28, 1995, supplemental letter that, in regard to the protected area, mobile patrols, armed posts and armed positions have been reduced, and that there should be at least one continuous armed mobile patrol. Petitioners also state, with regard to the owner controlled area, that at least one patrol should be made each 24 hours, and that a minimum of five armed guards per unit and two armed guards dedicated to the main gate are necessary, but that ten armed guards per unit (consisting of two protected area patrols and/or sector guards) is optimum. Additionally, Petitioners state that there is a post for unarmed personnel in the vehicle search area, although the NRC has directed that at least one armed officer be present at an alternate gate entry.

There is no regulatory requirement to have (1) an armed guard at an entry gate to the protected area, (2) any security activities in the owner controlled area outside the protected area, or (3) mobile patrols in the protected area. While

checking the protected area is required, 10 C.F.R. 73.55(c)(4), the type of personnel and patrol frequency are not specified in the regulations, but are detailed in the site physical security plan. All changes to the Zion plan are reviewed against the requirements of the regulations and site specific needs. The NRC inspects against the commitments contained in the approved plan to verify that the plan remains effective and that the Licensee continues to fulfill its commitments. Based on NRC staff review of the Zion security plan and its associated revisions, and upon onsite verification of Zion's commitments, Zion continues to meet the performance objectives of 10 C.F.R. 73.55(a) and its commitments under its security plan.

As explained above, although the October 7, 1994, revision to the Zion security plan will result in a reduced number of armed guards, the number of armed response personnel will not decline and the Licensee continues to meet the specific requirements of 10 C.F.R. 73.55(h)(3) with respect to the number of armed response personnel. In regard to the positioning of armed response personnel, NRC regulations require that licensees establish a safeguards contingency plan which requires armed response personnel to interpose themselves between vital areas and material access areas such that armed response personnel can prevent entry for the purpose of radiological sabotage. 10 C.F.R. 73.55(h)(4)(iii)(A). If revisions to a licensee's security plan meet the requirements of 10 C.F.R. 73.55, the NRC staff concludes that the revisions are consistent with 10 C.F.R. 50.54(p) and that they will not decrease the effectiveness of the safeguards plan. In this case, the NRC staff concluded that the October 7, 1994, revision to the Zion security plan met the requirements of 10 C.F.R. 73.55 and did not result in decreased effectiveness of the plan.

In view of the above, the Petitioners have not raised a substantial safety concern regarding manning and positioning of armed guards at Zion Station.

G. Additional Concern Noted on a Copy of the Petition Sent to Senator Simon

Petitioners appended an additional concern that low level waste is now being stored in the owner controlled area with no security patrols except a casual tour once per eight hour shift, on a copy of the Petition addressed to United States Senator Paul Simon of Illinois. Senator Simon referred the concern to the DOE, and DOE subsequently forwarded it to the NRC. Petitioners' supplemental letter of February 28, 1995, asserts that the interim radwaste storage facility is worthy of one full 24-hour patrol and alarmed, continuous surveillance equipment, such as a camera.

Storage and control of NRC-licensed material are governed, in pertinent part, by 10 CFR 20.1801 of Subpart I to 10 CFR part 20, which requires licensees to secure from unauthorized removal or unauthorized access licensed materials that are stored in controlled or unrestricted areas. The security requirements of 10 CFR part 73 do not apply to the storage of low level waste. Zion Station maintains an interim radwaste storage facility (IRSF) for licensed material on-site, within the owner controlled area to which general access is not permitted. The IRSF is locked, key access is controlled, and once in each 8 hour shift the IRSF is patrolled by a security officer. The staff finds that the IRSF at the Zion facility is in compliance with 10 CFR 20.1801.

For the reasons stated above, Petitioners have not raised a substantial safety concern regarding security of low level waste in the owner controlled area at the Zion facility.

IV. Conclusion

The institution of a proceeding in response to a request for action under 10 CFR 2.206 is appropriate only when substantial health and safety issues have been raised. See *Consolidated Edison Co. of New York* (Indian Point, Units 1, 2, and 3), CLI–75–8, 2 NRC 173, 176 (1975), and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD–84–7, 19 NRC 899, 923 (1984). I have applied this standard to determine what action, if any, is warranted in response to the matters raised by Petitioners. Each of the claims or allegations by Petitioners has been reviewed, and I conclude that, for the reasons discussed above, Petitioners have raised no substantial safety concern regarding the revised security plan for the Zion facility. Petitioners' requests that the NRC withdraw its approval of the changes to the security plan and that the NRC require an increase in the number of, or a change in the positioning of, armed guards at the Zion Nuclear Power Station, are denied. Petitioners' request that the NRC demand greater justification for the proposal to reduce the number of armed guards and the defense of the Zion Nuclear Power Station is denied. Since the NRC has agreed with the Licensee that the changes to Zion's security plan do not decrease the effectiveness of the plan, per 10 CFR 50.54(p), NRC approval to implement the changes to Zion's security plan is not required.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided by Section 2.206(c), this Decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 26th day of May 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95–13501 Filed 6–1–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Company; Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Detroit Edison Company (licensee) for an amendment to Facility Operating License No. NPF–43 issued to the licensee for operation of Fermi 2, located in Frenchtown Township, Monroe County, Michigan. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on April 12, 1995 (60 FR 18625).

The licensee's proposed amendment request revised the Technical Specifications (TS) to relocate the audit frequencies in TS 6.5.2.8 to the Quality Assurance Program (QAP) in Chapter 17.2 of the Updated Final Safety Analysis Report. The licensee also proposed to extend the frequency for use of an independent fire protection contractor from once every 3 years to once every third fire protection audit. The licensee submitted corresponding changes to the QAP in accordance with 10 CFR 50.54(a) to Region III for review which also reduced some audit frequencies. The region approved the relocation of and reductions in the audit frequencies but did not approve the requested change on independent contractor use for fire protection audits. Therefore, this proposed change to the TS was also denied.

The NRC staff has concluded that the licensee's request cannot be fully granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated May 23, 1995.

By July 3, 1995, the licensee may demand a hearing with respect to the