

Proposed Commitment

Eliminate a requirement that a 4-wheel drive vehicle be used as a patrol and response vehicle. This reduction would need to be balanced by a commitment to verify that the response strategy to address the design basis threat did not rely on the use of a 4-wheel drive vehicle. This change would eliminate the costs of purchasing and maintaining 4-wheel drive vehicles that are not required for protection against the design basis external threat.

Impact on Effectiveness on a Generic Plan

1. Yes No Does this change delete or contradict any regulatory requirement?
2. Yes No Would the change decrease the overall level of security system performance as described in paragraphs (b) through (h) of 10 CFR 73.55 to protect with the objective of high assurance against the design basis threat of radiological sabotage as stated in 10 CFR 73.1(a)?

Rationale: The demonstration of protective strategies that do not require the use of a 4-wheel drive vehicle would confirm the ability of a site's protection strategy to protect the facility against the design basis threat.

3. Yes No Does this change any unique site-specific commitments?

Rationale: (Explain why the change does not decrease the overall effectiveness of the plan while taking into consideration existing unique site-specific security features. Consider historical reasons why specific commitments were included in the security plans. Were there specific counterbalancing commitments and has that counterbalance been changed negatively?)

Attachment 3—Unacceptable 10 CFR 50.54(p) Changes

The following is a listing of 10 CFR 50.54(p) changes that have been proposed or submitted but were determined to decrease the effectiveness of their respective plans. Changes would be reviewed on a case-by-case basis if submitted as noted for amendments or exemptions.

1. A change was submitted that would allow a "designated vehicle" to be stored outside the protected area in an unsecured manner. This change is considered to be decrease in overall effectiveness of the plan and would require an exemption request since it is contrary to the provisions of 10 CFR 73.55(d)(4).

2. A change was submitted by which any vehicle entering the protected area that is driven by an individual with unescorted access would not have to be escorted by an armed member of the security force. This change would decrease the overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 10 CFR 73.55(d)(4) and specific implementation guidance provided to the staff in SECY 93-326.

3. A change was submitted that would allow materials destined for the protected area to be searched and stored in an unsecured, owner-controlled warehouse. This change is considered a decrease in overall effectiveness of the plan and would require an exemption request since it is

contrary to the provisions of 10 CFR 73.55(d)(3).

4. A change was submitted that requested that security officers be qualified on other than assigned weapons or "duty" ammunition. The change would be considered a decrease in overall effectiveness of the plan. This change could be submitted pursuant to 10 CFR 50.90.

5. A generic change was proposed during public meetings that would eliminate the secondary alarm station. This change would decrease the overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 10 CFR 73.55(e)(1).

6. A generic change was proposed during public meetings that would reduce the number of armed responders below the minimum required by the regulation. This change would decrease that overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 10 CFR 73.55(h)(3).

7. A change was submitted that did not specify which positions within the security organization would be armed or unarmed. As written, the staff had to assume the overall effectiveness of the plan was decreased. The licensee would need to resubmit this change to clarify which positions would be armed to confirm that regulatory requirements were being met.

8. A generic change was proposed during public meetings that would allow visitor escorting to be determined at the licensee's discretion. No specifics were provided regarding how this change was to be implemented. This change would decrease the overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 10 CFR 73.55(d)(6).

9. A generic change was proposed during public meetings that would give an alarm station operator the discretion to determine the need for compensatory measures for failed intrusion detection equipment. This change would decrease the overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 10 CFR 73.55(g)(1). Compensatory measures for vital area doors are contained in proposed rulemaking currently being processed by the staff.

10. A generic change was proposed during public meetings that would not require compensatory measures for 72 hours on a vital area door that had only a functional lock. This change would decrease the overall effectiveness of the plan and require an exemption request since it is contrary to the provisions of 73.55(g)(1).

Dated at Rockville, Maryland, this 7th day of June 1995.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

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

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Commonwealth Edison Company, Zion Nuclear Power Station, Units 1 and 2; Correction to Director's Decision Under 10 CFR 2.206 (DD-95-09)

In the Notice beginning on page 28808 in the issue of Friday, June 2, 1995, make the following correction:

On page 28811, Section *E. Potential Threats*, in the second paragraph, the fourth sentence should read:

On a daily basis, the staff evaluates threat-related information to ensure the design basis threat statements in the regulations remain a valid basis for safeguards system design.

For the Nuclear Regulatory Commission,

Clyde Y. Shiraki,

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

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[Docket No 50-458 (License No. NPF-47)]

Gulf States Utilities Entergy Corporation, Entergy Operations, Inc., (River Bend Station, Unit 1); Order Approving Transfers and Notice of Issuance of License Amendments

I

On November 20, 1985, pursuant to 10 CFR part 50, License No. NPF-47 was issued, under which Gulf States Utilities Company (GSU) is authorized to operate and hold a 70 percent ownership share in River Bend Station, Unit 1 (River Bend), which is located in West Feliciana Parish, Louisiana.

II

In June 1992, GSU and Entergy Corporation (Entergy) entered into an agreement providing for the combination of the businesses of their companies. In accordance with the merger plan, GSU, following the merger, will continue to operate as an electric utility, but as a subsidiary of a new holding company to be named Entergy Corporation, with its electric operations fully intergrated with those of the Entergy System. Upon consummation of the proposed business combination and subject to the receipt of the necessary approvals, Entergy Operations Inc. (EOI), on behalf of the owners, will assume operations and managerial responsibility for River Bend.

III

To implement the business combination, GSU applied to the U.S. Nuclear Regulatory Commission (NRC) for two license amendments to license NPF-47, by two letters dated January

13, 1993, as supplemented by later filings. Under these requested license amendment, the license would reflect the transfer of ownership of GSU to become a wholly-owned subsidiary of Entergy as a result of a merger between GSU and Entergy, and control over the operation of River Bend would be transferred from GSU to EOI, another wholly-owned subsidiary of Entergy. Notice of these applications for transfer and proposed no significant hazards consideration determinations were published in the **Federal Register** on July 7, 1993 (58 FR 36435 and 58 FR 36436).

IV

This Order was originally issued on December 16, 1993. By other dated March 14, 1995, the Court of Appeals for the D.C. Circuit ordered that the two orders for (1) the merger of Gulf States Utilities and Entergy and (2) the operation of River Bend Station by EOI be vacated and the case remanded to the NRC.

V

The transfer of rights under license NPF-47 is subject to the NRC's approval under 10 CFR 50.80. Based on information provided by GSU and Entergy, and other information before the Commission, it is determined that the proposed transfer of the control of operations of River Bend from GSU to EOI, and the proposed transfer of ownership of GSU to Entergy, subject to the conditions set forth herein, are in the public interest and are consistent with the applicable provisions of law, regulations and orders issued by the Commission. These actions were evaluated by the staff as documented in Safety Evaluations, dated December 16, 1993, which contain final no significant hazards consideration determinations. The conditions of the transfer, to which GSU has not objected, are:

2.C.(3) Antitrust Conditions

a. GSU shall comply with the antitrust license conditions set forth in Appendix C, attached hereto and incorporated in this license.

b. EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1 and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.

2.C.(16) Merger Related Reports

GSU shall inform the Director, NRR:

a. Sixty days prior to a transfer (excluding grants of security interests or liens) from GSU to Entergy or any other entity of facilities for the production, transmission or distribution of electric energy having a depreciated book value exceeding one percent (1%) of GSU's consolidated net utility plant, as recorded on GSU's books of account.

b. Of an award of damages in litigation initiated against GSU by Cajun Electric Power Cooperative regarding River Bend within 30 days of the award.

VI

Accordingly, pursuant to sections 103, 105, 161b, 161i, and 187 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201 et seq. and 10 CFR part 50, *it is hereby ordered* That the transfers to Entergy Corporation and Entergy Operations Inc., discussed above, are approved, and notice is given that license amendments providing for the transfer of control of operation of River Bend to EOI, subject to the license conditions set out and herein, and the transfer of ownership of GSU to Entergy are issued, effective immediately.

Dated at Rockville, MD., this 8th day of June 1995.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

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[Docket No. 50-267; License No. DPR-34]

Public Service Company of Colorado, (Fort St. Vrain Nuclear Generating Station); Exemption

I

The Public Service Company of Colorado (PSC or the licensee) is the holder of Possession-Only License (POL) No. DPR-34, which authorized possessions and maintenance of the Fort St. Vrain Nuclear Generating Station (FSV). The license provides, among other things, that the plant is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (NRC) now or hereafter in effect.

FSV is a high-temperature, gas-cooled reactor that is located at the licensee's site in Weld County, Colorado. FSV operated from January 31, 1974, to August 18, 1989. PSC shut down FSV because of control rod drive failures and subsequently made the shutdown permanent because of a discovery of degradation of the steam generator ring headers. On November 5, 1990, PSC

submitted a Decommissioning Plan (DP) pursuant to § 50.82 of title 10, Code of Federal Regulations (10 CFR 50.82) that proposed the dismantling of FSV. On May 21, 1991, the NRC revised License No. DPR-34 to a POL, which allows possession but not operation of FSV. The DP was approved by NRC Order dated, November 23, 1993. PSC is actively dismantling FSV and decommissioning is approximately 65 percent complete. In addition, FSV has been defueled and all fuel was transferred to the PSC independent spent fuel storage installation (ISFSI). The ISFSI (Materials License No. SNM-2504) is licensed under 10 CFR part 72.

II

By letter dated February 16, 1995, PSC requested an exemption in accordance with 10 CFR 50.12 from the requirements of 10 CFR 50.54(w) to maintain onsite property damage insurance. This rule states the following:

* * * Each electric utility licensee under this part for a production or utilization facility of the type described in 10 CFR 50.21(b) and 10 CFR 50.22 shall take reasonable steps to obtain insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the Commission that it possesses an equivalent amount of protection covering the licensee's obligation in the event of an accident at the licensee's reactor, to stabilize and decontaminate the reactor and the reactor station site at which the reactor experiencing the accident is located, provided that: * * *

III

The justification presented by the licensee for the exemption request is that FSV is not authorized to operate, all nuclear fuel has been removed from the reactor facility and transferred to the ISFSI, decommissioning of FSV is approximately 65 percent complete, and the risk of accident resulting in a radiological release is now considerably less than during plant operation. The licensee contends that with all nuclear fuel removed from the reactor facility, and with the activated graphite blocks removed from the reactor building and disposed of at an authorized low-level waste disposal facility, the potential accidents as evaluated in the FSV DP only involve events such as fires, electrical power outages, and the dropping of activated or contaminated materials during dismantling. PSC concludes that any events at the facility would only result in doses to individuals located at the emergency planning zone boundary. In addition, PSC concludes these doses would be orders of magnitude below 10 CFR part