

Mr. John K. Wood  
 Vice President - Nuclear, Davis-Besse  
 Centerior Service Company  
 c/o Toledo Edison Company  
 Davis-Besse Nuclear Power Station  
 5501 North State Route 2  
 Oak Harbor, OH 43449-9760

July 10, 1997

SUBJECT: EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR 73.55, REQUIREMENTS FOR PHYSICAL PROTECTION OF LICENSED ACTIVITIES IN NUCLEAR POWER REACTORS AGAINST RADIOLOGICAL SABOTAGE - DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 (TAC NO. M97926)

Dear Mr. Wood:

The Commission has issued the enclosed Exemption in response to your request dated January 20, 1997, to utilize an alternative access control system. This submittal supersedes your previous request dated June 28, 1996, as supplemented October 4, 1996.

This Exemption relieves you from complying with certain requirements of 10 CFR 73.55 relating to the issuance, storage, and retrieval of picture badges for individuals who have been granted unescorted access into the protected area of the Davis-Besse Nuclear Power Station (DBNPS), Unit 1.

The alternative system will require individuals with unescorted access to protected areas to not only present their picture badges to gain access but also to have their hand geometry confirmed. Upon implementation of the hand geometry biometrics system at the entrance to the protected area, the Exemption will allow all individuals not employed by the licensee (for example, contractors) who have unescorted access to keep their picture badges in their possession when departing DBNPS.

A copy of the Exemption is being sent to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Allen G. Hansen, Project Manager  
 Project Directorate III-3  
 Division of Reactor Projects III/IV  
 Office of Nuclear Reactor Regulation

Docket No. 50-346  
 Enclosure: Exemption  
 cc w/encl: See next page

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Toledo Edison Company

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President, Board of County  
Commissioner of Ottawa County  
Port Clinton, Ohio 43252

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
TOLEDO EDISON COMPANY	)	Docket No. 50-346
CENTERIOR SERVICE COMPANY	)	
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY	)	
(Davis-Besse Nuclear Power Station, Unit 1)	)	

EXEMPTION

I.

The Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) are the holders of Facility Operating License No. NPF-3, which authorizes operation of the Davis-Besse Nuclear Power Station (DBNPS), Unit 1 (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized-water reactor located at the licensees' site in Ottawa County, Ohio.

II.

In 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage," paragraph (a) states, in part, 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 is specified 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 licensees (for example, 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...."

By letter dated January 20, 1997, the licensees requested an exemption from certain requirements of 10 CFR 73.55. The licensees propose to implement an alternative unescorted access system that would eliminate the need to issue and retrieve picture badges at the entrance location to the protected area and would allow all individuals authorized for unescorted access, including contractors, to keep their picture badges in their possession when departing DBNPS.

### 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.

Currently, unescorted access into the protected area of DBNPS 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 offsite. In accordance with the plant's physical security plan, the licensees' employees are also not allowed to take their picture badges offsite.

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, they 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 DBNPS.

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. 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 which 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. On the basis of the Sandia report and the licensees' 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 ensure that the proposed system will continue to meet the general performance requirements of 10 CFR 73.55, the licensees will implement a process for testing the system. The site security plans 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 DBNPS.

#### IV.

For the foregoing reasons, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet the 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 common defense and security, and is otherwise in the public interest.

Therefore, the Commission hereby grants the following exemption:

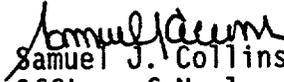
The requirement of 10 CFR 73.55(d)(5) that individuals who have been granted unescorted access and are not employed by the licensees are to return their picture badges upon exit from the protected area is no longer necessary. Thus, these individuals may keep their picture badges

in their possession upon leaving Davis-Besse Nuclear Power Station. This 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 result in any significant adverse environmental impact (62 FR 30627).

Dated at Rockville, Maryland, this 10th day of July 1997.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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Samuel J. Collins

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Office of Nuclear Reactor Regulation

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