UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
PUBLIC SERVICE COMPANY OF COLORADO	)	Docket No. 50-267
	)	
	)	
(Fort St. Vrain Nuclear Generating Station)	)	
	)	
	)	

EXEMPTION

I.

Public Service Company of Colorado (the licensee) is the holder of Facility Operating License No. DPR-34 which authorizes the operation of the Fort St. Vrain Nuclear Generating Station (the facility) at reactor power levels not in excess of 842 megawatts thermal (rated power). The facility consists of a high temperature gas-cooled nuclear reactor and associated equipment located at the licensee's site near Platteville in Weld County, Colorado.

The license is subject to all rules and regulations of the Commission.

II.

By letter dated November 8, 1982, the licensee requested an exemption from the requirements of 10 CFR Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," relative to Material Access Authorizations for personnel at the Fort St. Vrain facility.

The provisions of Part 11 specify that all jobs with unescorted access to the Protected Area require an NRC-R Material Access Authorization (basically

a National Agency Check); and that certain, more sensitive jobs require an NRC-U Material Access Authorization (complete background investigation).

Although Fort St. Vrain is a power reactor facility licensed under 10 CFR Part 50, the special protection measures of the Physical Protection Upgrade Rule related to Strategic Special Nuclear Material must be provided whenever formula quantities of high enriched fresh fuel are on site. 10 CFR Part 11 Material Access Authorizations, in turn, are required for licensees subject to the Upgrade Rule (10 CFR 73.20, 73.45 and 73.46).

Fort St. Vrain possesses fresh fuel configured only in large blocks of graphite weighing approximately 300 lbs., unlike fuel facilities where readily divertible forms of special nuclear material are processed. The commitments of the licensee to protect these blocks of fresh fuel include measures specifically designed to prevent theft, or diversion by conspiracies. The licensee has also implemented an extensive personnel screening program for all individuals granted unescorted access to the reactor facility. In addition, all individuals who would be subject to the Part 11 "U" requirement have undergone National Agency Checks pursuant to 10 CFR Part 25.

The licensee's approved protective measures, augmented by the existing screening program and National Agency Checks, provide a level of protection against the insider threat for the material at Fort St. Vrain comparable to that envisioned under 10 CFR Part 11. We therefore conclude that the licensee's request for exemption should be granted, provided that Chapter 9 of the Security Plan for the facility is revised to require obtaining National Agency Checks for all individuals occupying positions identified in 10 CFR 11.11(a)(1).

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 11.9, the exemption requested by the licensee's letter of November 8, 1982, as discussed above, is authorized by law and will not constitute an undue risk to the common defense and security. The requested exemption is hereby granted, subject to the following condition:

> That within thirty days of the date of this Exemption, Chapter 9 of the facility Security Plan be modified to require obtaining National Agency Checks for all individuals occupying positions identified in 10 CFR 11.11(a)(1).

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland,
this 2nd day of March, 1983.