

displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR part 140, "Financial Protection Requirements and Indemnity Agreements."

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities called for in sections 170 and 193 of the Atomic Energy Act of 1954, as amended (the Act).

5. *Who will be required or asked to report:* Licensees authorized to operate reactor facilities in accordance with 10 CFR part 50 and licensees authorized to construct and operate a uranium enrichment facility in accordance with 10 CFR parts 40 and 70.

6. *An estimate of the number of annual responses:* 156.

7. *The estimated number of annual respondents:* 91.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1,382.

9. *An indication of whether section 3507(d), Pub. L. 104-13 applies:* N/A.

10. *Abstract:* 10 CFR part 140 of the NRC's regulations specifies information to be submitted by licensees to enable the NRC to assess (a) the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954, as amended, and (b) the liability insurance required of uranium enrichment facility licensees pursuant to section 193 of the Atomic Energy Act of 1954, as amended.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 6, 2003. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Bryon Allen, Office of Information and Regulatory Affairs (3150-0039), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated in Rockville, Maryland, this 1st day of May, 2003.

For the Nuclear Regulatory Commission.  
**Brenda Jo. Shelton,**  
*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 03-11305 Filed 5-6-03; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 30-35594-CivP, ASLBP No. 03-811-02-CivP, EA 02-072]**

### Atomic Safety and Licensing Board; Notice of Hearing

April 30, 2003.

*Before Administrative Judges:* Thomas S. Moore, Chairman, Dr. Charles N. Kelber, Dr. Peter S. Lam. In the Matter of Advanced Medical Imaging and Nuclear Services (Licensee), for alleged violations of provisions of its license and the Commission's regulations. In response to an Order Imposing a Civil Monetary Penalty, dated February 19, 2003 and published at 68 FR 10049 (Mar. 3, 2003), the Licensee on March 24, 2003 filed a timely request for an enforcement hearing. Thereafter, on April 8, 2003, this Atomic Safety and Licensing Board was established to preside over the hearing. See 68 FR 17969 (Apr. 14, 2003).

This proceeding involves a proposed civil penalty of \$43,200 sought to be imposed by the Nuclear Regulatory Commission on Advanced Medical Imaging and Nuclear Services (Licensee), for alleged violations of provisions of its license and the Commission's regulations. In response to an Order Imposing a Civil Monetary Penalty, dated February 19, 2003 and published at 68 FR 10049 (Mar. 3, 2003), the Licensee on March 24, 2003 filed a timely request for an enforcement hearing. Thereafter, on April 8, 2003, this Atomic Safety and Licensing Board was established to preside over the hearing. See 68 FR 17969 (Apr. 14, 2003).

Notice is hereby given that by Order dated April 30, 2003, the Atomic Safety and Licensing Board has granted the request for a hearing submitted by the Licensee. This proceeding will be conducted under the Commission's hearing procedures set forth in 10 CFR part 2, subparts B and G. Parties to the proceeding are Advanced Medical Imaging and Nuclear Services and the NRC Staff. The issues to be considered, as set forth in the Order Imposing a Civil Monetary Penalty, are (a) whether the Licensee was in violation of the Commission's requirements as set forth in violations B and C of the written notice of violation and proposed imposition of civil penalty served upon the Licensee by letter dated October 22, 2002; and (b) whether, on the basis of such violations, and the additional

violations set forth in the notice of violation that the Licensee admitted, the Order Imposing a Civil Monetary Penalty should be sustained.

Except to the extent an early settlement or other circumstance renders them unnecessary, the Licensing Board may, during the course of this proceeding, conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in Licensing Board Orders.

For the Atomic Safety and Licensing Board.

Dated in Rockville, Maryland, on April 30, 2003.

**Thomas S. Moore,**  
*Administrative Judge.*

[FR Doc. 03-11306 Filed 5-6-03; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. (as shown in Attachment 1); License Nos. (as shown in Attachment 1); EA-03-038]**

### All Operating Power Reactor Licensees; Order Modifying Licenses (Effective Immediately)

The licensees identified in Attachment 1 to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing operation of nuclear power plants in accordance with the Atomic Energy Act of 1954 and Title 10 of the *Code of Federal Regulations* (10 CFR) part 50. Commission regulations at 10 CFR 50.54(p)(1) require these licensees to maintain safeguards contingency plan procedures in accordance with 10 CFR part 73, Appendix C. Specific safeguards requirements for reactors are contained in 10 CFR 73.55.

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. On February 25, 2002, the Commission issued Orders to the licensees of operating power reactors to put the actions taken in response to the Advisories in the established regulatory framework and to implement additional security enhancements which emerged from the NRC's ongoing comprehensive security review.

Work hour demands on nuclear facility security force personnel have increased substantially since the September 11, 2001 attacks and the current threat environment continues to require heightened security measures. The Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel. Therefore, the Commission is imposing requirements, as set forth in Attachment 2 of this Order, on all licensees of these facilities. These requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety and common defense and security continue to be adequately protected. These requirements will remain in effect until the Commission determines otherwise.

In order to provide assurance that licensees are implementing prudent measures to achieve a consistent level of protection, all licenses identified in Attachment 1 to this Order shall be modified to include the requirements identified in Attachment 2 to this Order. In addition, pursuant to 10 CFR 2.202, the NRC finds that in the circumstances described above, the public health, safety and interest require that this Order be immediately effective.

Accordingly, pursuant to sections 103, 104, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 50 and 73, *It is hereby ordered, effective immediately, that all licenses identified in attachment 1 to this order are modified as follows:*

A. All Licensees shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment 2 to this Order except to the extent that a more stringent requirement is set forth in the Licensees' security plans. The Licensees shall immediately start implementation of the requirements in Attachment 2 to the Order and shall complete implementation no later than October 29, 2003.

B. 1. All Licensees shall, within thirty-five (35) days of the date of this Order, notify the Commission, (1) if they are unable to comply with any of the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, or (3) if implementation of any of the

requirements would cause the Licensee to be in violation of the provisions of any Commission regulation or the facility license. The notification shall provide the Licensee's justification for seeking relief from or variation of any specific requirement.

2. Any Licensee that considers that implementation of any of the requirements described in Attachment 2 to this Order would adversely impact safe operation of the facility must notify the Commission, within thirty-five (35) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment 2 requirement in question, or a schedule for modifying the facility to address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

C. 1. All Licensees shall, within thirty-five (35) days of the date of this Order, submit to the Commission, a schedule for achieving compliance with each requirement described in Attachment 2.

2. All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

D. Notwithstanding the provisions of 10 CFR 50.54(p), all measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise.

Licensees' responses to Conditions B.1, B.2, C.1, and C.2 above, shall be submitted in accordance with 10 CFR 50.4. In addition, Licensees' submittals that contain Safeguards Information shall be properly marked and handled in accordance with 10 CFR 73.21.

The Director, Office of Nuclear Reactor Regulation may, by letter, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within thirty-five (35) days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director,

Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Regional Administrator for NRC Region I, II, III, or IV, as appropriate for the specific facility; and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a

hearing, the provisions specified in Section III above shall be final thirty-five (35) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

Dated this 29th day of April 2003.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

## Attachment 1

### List of Addressees

- Michael R. Higgins, Superintendent of Plant Security, Arkansas Nuclear One, Units 1 & 2, Entergy Operations, Inc., Docket Nos. 50-313 & 50-368, License Nos. DPR-51 & NPF-6, 1448 S.R. 333, Russellville, AR 72802.
- Mark Bezilla, Vice President, Beaver Valley Power Station, Units 1 & 2, FirstEnergy Nuclear Operating Company, Docket Nos. 50-334 & 50-412, License Nos. DPR-66 & NPF-73, Route 168, Shippingport, PA 15077-0004.
- Gregory Baker, Braidwood Station, Units 1 & 2, Exelon Generation Company, LLC, Docket Nos. STN 50-456 & STN 50-457, License Nos. NPF-72 & NPF-77, 35100 S. Rt. 53, Suite 84, Braceville, IL 60407.
- Ashok S. Bhatnagar, Site Vice President, Browns Ferry Nuclear Plant, Units 1, 2, & 3, Tennessee Valley Authority, Docket Nos. 50-259, 50-260 & 50-296, License Nos. DPR-33, DPR-52 & DPR-68, Intersection Limestone Country Roads 20 and 25, Athens, AL 35611.
- Allen Brittain, Security Manager, Brunswick Steam Electric Plant, Units 1 & 2, Progress Energy, Docket Nos. 50-325 & 50-324, License Nos. DPR-71 & DPR-62, Hwy 87, 2.5 Miles North, Southport, NC 28461.
- David Combs, Byron Station, Units 1 & 2, Exelon Generation Company, LLC, Docket Nos. STN 50-454 & STN 50-455, License Nos. NPF-37 & NPF-66, 4450 N. German Church Road, Byron, IL 61010.
- J. Mark Dunbar, Security Manager, Callaway Plant, Unit 1, Ameren Union Electric Company, Docket No. STN 50-483, License No. NPF-30, Highway CC, (5 Miles North of Highway 94) Portland, MO 65067.
- Vince Williams, Security Programs Specialist, Calvert Cliffs Nuclear Power Plant, Units 1 & 2, Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50-317 & 50-318, License Nos. DPR-53 & DPR-69, 1650 Calvert Cliffs Parkway, Lusby, MD 20657.
- G. R. Peterson, Vice President Catawba Site, Catawba Nuclear Station, Units 1 & 2, Duke Power Company, Docket Nos. 50-413 & 50-414, License Nos. NPF-35 & NPF-52, 4800 Concord Road, York, SC 29745.
- Ed Wrigley, Security Manager, Clinton Power Station, AmerGen Energy Company, LLC, Docket No. 50-461, License No. NPF-62, Route 54 East, Clinton, IL 61727.
- J. V. Parrish, Chief Executive Officer, Columbia Generating Station, Energy Northwest, Docket No. 50-397, License No. NPF-21, Snake River Warehouse, North Power Plant Loop, Richland, WA 99352.
- Neil Harris, Comanche Peak Steam Electric Station, Units 1 & 2, TXU Electric & Gas, Docket No. 50-445 & 50-446, License Nos. NPF-87 & NPF-89, FM 56, 5 Miles North of Glen Rose, Glen Rose, TX 76043.
- Martin Faulkner, Security Manager, Cooper Nuclear Station, Nebraska Public Power District, Docket No. 50-298, License No. DPR-046, 1200 Prospect Road, Brownville, NE 68321-0098.
- Marty Folding, Security Manager, Crystal River Nuclear Generating Plant, Unit 3, Progress Energy, Docket No. 50-302, License No. DPR-72, Crystal River Energy Complex, 15760 West Power Line Street (NAID), Crystal River, FL 34428-6708.
- William Mugge, Security Manager, Davis-Besse Nuclear Power Station, FirstEnergy Nuclear Operating Company, Docket No. 50-346, License No. NPF-3, 5501 N. State, Route 2, Oak Harbor, OH 43449.
- Ron Todaro, Security Director, Diablo Canyon Nuclear Power Plant, Units 1 & 2, Pacific Gas & Electric Company, Docket Nos. 50-275 & 50-323, License Nos. DPR-80 & DPR-82, 9 Miles Northwest of Avila Beach, Avila Beach, CA 93424.
- Garland Gibson, Manager, Site Protective Services, Donald C. Cook Nuclear Plant, Units 1 & 2, American Electric Power, Docket Nos. 50-315 & 50-316, License Nos. DPR-58 & DPR-74, 1 Cook Place, Bridgman, MI 49106.
- Valheria Gengler, Dresden Nuclear Power Station, Units 2 & 3, Exelon Generation Company, Docket Nos. 50-237 & 50-249, License Nos. DPR-19 & DPR-25, 6500 North Dresden Road, Morris, IL 60450-9765.
- Ben Kindred, Security Manager, Duane Arnold Energy Center, Nuclear Management Co., Docket No. 50-331, License No. DPR-49, 3277 DAEC Road, Palo, Iowa 52324.
- John R. Thompson, Security Manager, Edwin I. Hatch Nuclear Plant, Unit 1 & 2, Southern Nuclear Operating Company, Inc., Docket Nos. 50-321 & 50-366, License Nos. DPR-57 & NPF-5, Plant E. I. Hatch, U.S. Hwy #1 North, Baxley, GA 31515-2010.
- Joe Korte, Nuclear Security Manager, Fermi, Unit 2, Detroit Edison Company, Docket No. 50-341, License No. NPF-43, 6400 N. Dixie Highway, Newport, MI 48166.
- John Sefick, Manager, Security & Emergency Planning, Fort Calhoun Station, Omaha Public Power District, Docket No. 50-285, License No. DPR-40, 9750 Power Lane, Blair, NE 68008.
- Greg D. Brown, Grand Gulf Nuclear Station, Unit 1, Entergy Operations, Inc., Docket No. 50-416, License No. NPF-29, Bald Hill Road—Waterloo Road, Port Gibson, MS 39150.
- Scott Young, Security Superintendent, H.B. Robinson Steam Electric Plant, Unit 2, Carolina Power & Light Company, Docket No. 50-261, License No. DPR-23, 3581 West Entrance Road, Hartsville, SC 29550.
- David Thompson, Security Manager, Indian Point Nuclear Generating Station, Units 2 & 3, Entergy Nuclear Operations, Inc., Docket Nos. 50-247 & 50-286, License Nos. DPR-26 & DPR-64, Mail Stop K-IP2-4331, 295 Broadway Suite 1, Buchanan, NY 10511.
- J. Haley, Security Manager, James A. FitzPatrick Nuclear Power Plant, Entergy Nuclear Operations, Inc., Docket No. 50-333, License No. DPR-59, 268 Lake Road, Lycoming, NY 13093.
- Ken Dyer, Site Security Manager, Joseph M. Farley Nuclear Plant, Units 1 & 2, Southern Nuclear Operating Co., Docket Nos. 50-348 & 50-364, License No. NPF-2 & NPF-8, 7388 North State Highway 95, Columbia, AL 36319-4120.
- Mark Fencel, Security Manager, Kewaunee Nuclear Power Plant, Nuclear Management Co., Docket No. 50-305, License No. DPR-43, N 490 Highway 42, Kewaunee, WI 54216-9510.
- Cindy Wilson, LaSalle County Station, Units 1 & 2, Exelon Generation Company, Docket No. 50-373 & 50-374, License Nos. NPF-11 & NPF-18, 2601 North 21st Road, Marseilles, IL 61341-9757.
- Peter R. Supplee, Limerick Generating Station, Units 1 & 2, Exelon Generation Company, LLC, Docket No. 50-352 & 50-353, License Nos. NPF-39 & NPF-85, Evergreen & Sanatoga Road, TSC 1-2, Sanatoga, PA 19464.
- J. Alan Price, Site Vice President, c/o Mr. David W. Dodson, Millstone Power Station, Units 2 & 3, Dominion Nuclear Connecticut, Inc., Docket Nos. 50-336 & 50-423, License Nos. DPR-65 & NPF-49, Rope Ferry Road, Waterford, CT 06385.
- Brian B. Linde, Security Manager, Monticello Nuclear Generating Plant, Nuclear Management Company, Docket No. 50-263, License No. DPR-22, 2807 W. Highway 75, Monticello, MN 55362.
- Mr. John T. Conway, Site Vice President, Nine Mile Point Nuclear Station, Units 1 & 2, Nine Mile Point Nuclear Station, LLC, Docket Nos. 50-220 & 50-410, License Nos. DPR-63 & NPF-69, 348 Lake Road, Oswego, NY 13126.
- Tim Maddy, Manager, Station Nuclear Security, North Anna Power Station, Units 1 & 2, Virginia Electric & Power Company, Docket Nos. 50-338 & 50-339, License Nos. NPF-4 & NPF-7, 1022 Haley Drive, Mineral, Virginia 23117.
- Terry King, Security Manager, Oconee Nuclear Station, Units 1, 2, & 3, Duke Energy Corporation, Docket Nos. 50-269, 50-270 & 50-287, License Nos. DPR-38, DPR-47 & DPR-55, 7800 Rochester Highway, Seneca, SC 29672.
- Rick Ewart, Security Manager, Oyster Creek Nuclear Generating Station, AmerGen Energy Company, LLC, Docket No. 50-219, License No. DPR-16, Route 9 South, Forked River, NJ 08731.
- Douglas Cooper, Site Vice President, Palisades Plant, Nuclear Management Company, Docket No. 50-255, License No. DPR-20, 27780 Blue Star, Memorial Highway, Covert, MI 49043.
- Michael W. Priebe, Dept. Leader—Security Operations, Palo Verde Nuclear Generating, Units 1, 2 & 3, Arizona Public

Service Company, Docket Nos. STN 50-528, 50-529 & STN 50-530, License Nos. NPF-41, NPF-51 & NPF-74, 5801 S. Wintersburg Road, Tonapah, Arizona 85354-7529.

Wayne Trump, Manager—Site Security, Peach Bottom Atomic Power Station, Units 2 & 3, Exelon Generation Company, LLC, Docket Nos. 50-277 & 50-278, License Nos. DPR-44 & DPR-56, 1848 Lay Road, Delta, PA 17314.

Thomas Mahon, Security Manager, Perry Nuclear Power, Unit 1, FirstEnergy Nuclear Operating Company, Docket No. 50-440, License No. NPF-58, 10 North Center Street, Perry, OH 44081.

Michael Bellamy, Senior Vice President, Pilgrim Nuclear Power Station, Unit 1, Entergy Nuclear Generation Company, Docket No. 50-293, License No. DPR-35, Rocky Hill Road, Plymouth, MA 02360.

Mark Fencil, Security Manager, Point Beach Nuclear Plant, Units 1 & 2, Nuclear Management Company, Docket Nos. 50-266 & 50-301, License Nos. DPR-24 & DPR-27, 610 Nuclear Road, Two Rivers, WI 54241.

John Waddell, Security Manager, Prairie Island, Units 1 & 2, Nuclear Management Company, Docket No. 50-282 & 50-306, License No. DPR-42 & DPR-60, 1717 Wakonade Drive East, Welch, MN 55089.

Tim Tulon, Site Vice President, Quad Cities Nuclear Power Station, Units 1 & 2, Exelon Generation Company, Docket Nos. 50-254 & 50-265, License Nos. DPR-29 & DPR-30, 22710-206th Ave., North, Cordova, IL 61242.

Ronald C. Teed, Site Security Supervisor, R. E. Ginna Nuclear Power Plant, Rochester Gas & Electric Corporation, Docket No. 50-244, License No. DPR-18, 1503 Lake Road, Ontario, NY 14519.

Andre James, Security Manager, River Bend Station, Entergy Operations, Inc., Docket No. 50-458, License No. NPF-47, 5485 U.S. Highway 61, St. Francisville, LA 70775.

Ted Straub, Manager of Nuclear Security & Fire, Security Center, Salem Nuclear Generating Station, Units 1 & 2, Docket Nos. 50-272 & 50-311, License No. DPR-70 & DPR-75, Hope Creek Generating Station, Unit 1, Docket No. 50-354, License No. NPF-57, PSEG Nuclear LLC, End of Buttonwood Road, Hancocks Bridge, NJ 08038.

John Todd, Manager, Site Security, San Onofre Nuclear Station, Units 2 & 3, Southern California Edison, Docket Nos. 50-361 & 50-362, License Nos. NPF-10 & NPF-15, 5000 Pacific Coast Highway (A82), San Clemente, CA 92674.

James Pandolfo, Security Manager, Seabrook Station, Unit 1, FPL Energy Seabrook, LLC, Docket No. 50-443, License No. NPF-86, Central Receiving, Lafayette Road, Seabrook, NH 03874.

Kenneth Stevens, Security Manager, Sequoyah Nuclear Plant, Units 1 & 2 (OPS5N), Tennessee Valley Authority (TVA), Docket Nos. 50-327 & 50-328, License Nos. DPR-77 & DPR-79, Sequoyah Road, Soddy Daisy, TN 37384.

Denny Braund, Shearon Harris Nuclear Power Plant, Unit 1, Carolina Power & Light Company, Docket No. 50-400, License No. NPF-63, 5413 Shearon Harris Road, New Hill, NC 27562.

William T. Cottle, President & Chief Executive Officer, South Texas Project Electric Generating Company, Units 1 & 2, STP Nuclear Operating Company, Docket Nos. 50-498 & 50-499, License Nos. NPF-76 & NPF-80, 8 Miles West of Wadsworth, on FM 521, Wadsworth, TX 77483.

Gary L. Varnes, Site Security Manager, St. Lucie Nuclear Plant, Units 1 & 2, Florida Power & Light Company, Docket Nos. 50-335 & 50-389, License Nos. DPR-67 & NPF-16, 6351 South Ocean Drive, Jensen Beach, FL 34957.

Curtis Luffman, Surry Power Station, Units 1 & 2, Virginia Electric & Power Company, Docket Nos. 50-280 & 50-281, License Nos. DPR-32 & DPR-37, 5570 Hog Island Road, Surry, VA 23883-0315.

Roland Ferentz, Manager, Nuclear Security, Susquehanna Steam Electric Station, Units 1&2, Pennsylvania Power and Light Company, Docket Nos. 50-387 & 50-388, License Nos. NPF-14 & NPF-22, 769 Salem Blvd., Berwick, PA 18603.

Michael Bruecks, Three Mile Island Nuclear Station, Unit 1, Amergen Energy Company, LLC, Docket No. 50-289, License No. DPR-50, Route 441 South, Middletown, PA 17057.

William S. Johns, Site Security Supervisor, Turkey Point Nuclear Generating Station, Units 3 & 4, Florida Power & Light Company, Docket Nos. 50-250 & 50-251, License Nos. DPR-31 & DPR-41, 9760 SW 344th Street, Florida City, FL 33035.

Mr. Jay K. Thayer, Site Vice President, Vermont Yankee Nuclear Power Station, Entergy Nuclear Vermont Yankee, LLC, Docket No. 50-271, License No. DPR-28, 185 Old Ferry Road, Brattleboro, VT 05302-0500.

Stephen A. Byrne, Senior Vice President—Nuclear Operations, Virgil C. Summer Nuclear Station, South Carolina Electric & Gas Company, Docket No. 50-395, License No. NPF-12, Hwy 215 N at Bradham Blvd., Jenkinsville, SC 29065.

Doug G. Huyck, Security Manager, Vogtle Electric Generating Plant, Unit 1 & 2, Southern Nuclear Operating Company, Inc., Docket Nos. 50-424 & 50-425, License Nos. NPF-68 & NPF-81, 7821 River Road, Waynesboro, GA 30830.

Joseph E. Venable, Vice President, Operations, Waterford Steam Electric Generating Station, Unit 3, Entergy Operations, Inc., Docket No. 50-382, License No. NPF-38, 17265 River Road, Killona, LA 70066-0751.

Bonnie A. Schnetzler, Security Manager, Watts Bar Nuclear Plant, Unit 1, Tennessee Valley Authority, Docket No. 50-390, License No. NPF-90, Highway 68 Near Spring City, Spring City, TN 37381.

William A. Evans, William B. McGuire Nuclear Station, Units 1 & 2, Duke Energy Corporation, Docket Nos. 50-369 & 50-370, License Nos. NPF-9 & NPF-17, Mail-MG01SC, 12700 Hagers Ferry Road, Huntersville, NC 28078.

David Erbe, Security Manager, Wolf Creek Generating Station, Unit 1, Wolf Creek Nuclear Operating Corporation, Docket No.

STN 50-482, License No. NPF-42, 1550 Oten Lane, NE, Burlington, KS 66839.

## Attachment 2

### Compensatory Measures

#### A. Background

These compensatory measures (CMs) are established to delineate licensee responsibility in response to the threat environment presently in existence in the aftermath of the events of September 11, 2001. Excessive work schedules can challenge the ability of security force personnel to remain vigilant and effectively perform their duties.

#### B. Scope

Operating nuclear power reactor licensees shall comply with the following CMs to ensure, in part, that nuclear facility security force personnel are not assigned to duty while in a fatigued condition that could reduce their alertness or ability to perform functions necessary to identify and promptly respond to plant security threats. Work hour controls shall apply to personnel performing the following functions: armed member of the security force, central alarm station operator, secondary alarm station operator, security shift supervisor, and watchperson (*i.e.*, watchman).

#### C. Compensatory Measures

##### 1. Individual Work Hour Controls

(a) Personnel performing the functions identified in B:

(1) Shall not exceed the following limits, excluding shift turnover time:

- (i) 16 hours in any 24-hour period,
- (ii) 26 hours in any 48-hour period, and
- (iii) 72 hours in any 7-day period.

(2) Shall have a minimum 10-hour break between work periods. The participation in turnover is permitted during the break period.

(3) May be authorized, by the licensee, to deviate from the limits specified in C.1(a)(1) and/or C.1(a)(2) provided:

(i) The licensee could not have reasonably foreseen or controlled the circumstance necessitating the deviation,

(ii) The security shift supervisor has determined that the deviation is required to maintain the security for the facility,

(iii) An evaluation is performed, in advance, by individuals with training, as provided by the licensee, in the symptoms, contributing factors, and effects of fatigue that determined that the individual's fitness for duty would not be adversely affected by the additional work period to be authorized under the deviation, and

(iv) The basis and approval for C.1(a)(3) items (i), (ii), and (iii) are documented.

**Note 1:** An 8-hour break may be authorized as deviation from the 10-hour requirement of C.1(a)(2) if the deviation is required for a scheduled transition of crews between work schedules or shifts.

(b) The number and duration of approved deviations shall be reviewed by the Security Manager and limited to the extent practicable.

(c) The licensee shall monitor and control individual work hours to ensure that

excessive work hours are not compromising worker alertness and performance.

## 2. Group Work Hour Controls

Group average work hours for personnel performing the functions identified in B shall be controlled in accordance with the following limits:

(a) Normal Plant Conditions: The average number of hours actually worked by personnel performing the functions identified in B, shall not exceed 48 hours per week averaged over consecutive periods not to exceed six (6) weeks. Workers who did not work at least 75 percent of the normally scheduled hours during the averaging period shall not be included when calculating the average. If the group average limit is exceeded, the licensee shall take prompt action to reduce the average hours worked in accordance with this compensatory measure and take actions to prevent recurrence.

## (b) Planned Plant or Planned Security System Outages:

(1) The average number of hours actually worked by personnel performing the functions identified in B, shall not exceed 60 hours per week averaged over consecutive periods not to exceed six (6) weeks. For planned abnormal plant conditions whose duration is less than the averaging period the limit would be 60 hours per week averaged over the duration of the condition. Workers who did not work at least 75 percent of the normally scheduled hours during the averaging period shall not be included when calculating the average. If the group average limit is exceeded, the licensee shall take prompt action to reduce the average hours worked in accordance with this compensatory measure and take actions to prevent recurrence.

**Note 2:** Licensee may define the beginning of a planned plant outage to be up to 3 weeks prior to the plant shutdown (*i.e.*, plant operational mode not equal to 1).

(2) The limit defined in C.2(b)(1) can be used for up to 90 days. For periods greater than 90 days, the licensee shall take prompt action to limit hours worked in accordance with the requirements of C.2(a). The use of the limits defined in C.2(b)(1) shall not exceed 120 days.

(c) Unplanned Plant or Unplanned Security Outages or An Increase in Plant Threat Condition (*i.e.*, increase in protective measure level as promulgated by NRC Advisory):

(1) There are no specific group limits for this condition.

(2) For periods greater than 90 days, the licensee shall take prompt action to limit hours worked in accordance with the requirements of C.2(a). The use of the allowance defined in C.2(c)(1) shall not exceed 120 days.

**Note 3:** For the purposes of these CMs, the baseline threat condition is defined as the least significant threat condition in effect in the last 120 days.

**Note 4:** If an increase in threat condition occurs while the plant is in a planned outage, the requirements of C.2(c) apply for the increased threat condition. If the threat condition returns to the baseline threat

condition during the planned outage, the requirements of C.2(b) apply using the original licensee defined start date for the planned outage.

**Note 5:** If multiple increases in threat condition occur while the conditions of C.2(c) are in effect, the requirements of C.2(c)(2) reset with each increase.

**Note 6:** If the threat condition decreases, the new threat condition shall be compared to the baseline to determine if the requirements of C.2(c) apply as a result of an increased threat condition. If so, C.2(c)(2) shall be referenced to the date when the current threat condition was last entered as the result of an increase.

**Note 7:** Licensees shall reference changes in threat condition prior to the issuance of these CMs to determine the baseline threat condition and whether the requirements of C.2(c) apply.

3. Licensees Shall be Exempt from the Requirements of C.1 and C.2 During Declared Emergencies as Defined in the Licensee's Emergency Plan

## 4. Procedures

Develop or augment procedures, as necessary, for personnel within the scope of this CM to:

(a) Describe the process for implementing the controls for hours worked specified in C.1, C.2, and C.3 of this CM.

(b) Describe the process to be followed if an individual reports prior to or during a duty period that he or she considers himself or herself unfit for duty due to fatigue.

(c) Document self-declarations of unfit for duty due to fatigue if upon completion of the licensee's evaluation it is determined the individual should be returned to work without a break of at least 10 hours.

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. (as shown in Attachment 1); License Nos. (as shown in Attachment 1); EA-03-039]

### All Operating Power Reactor Licensees; Order Modifying Licenses (Effective Immediately)

The licensees identified in Attachment 1 to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing operation of nuclear power plants in accordance with the Atomic Energy Act of 1954 (the Act) and Title 10 of the *Code of Federal Regulations* (10 CFR) part 50. Commission regulations at 10 CFR 50.54(p)(1) require these licensees to maintain safeguards contingency plan procedures in accordance with 10 CFR part 73, Appendix C. Specific safeguards

requirements for reactors are contained in 10 CFR 73.55.

On September 11, 2001, terrorists simultaneously attacked targets in New York City, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. On February 25, 2002, the Commission issued Orders to the licensees of operating power reactors to put the actions taken in response to the advisories in the established regulatory framework and to implement additional security enhancements which emerged from the NRC's ongoing comprehensive security review.

The Commission has determined that tactical proficiency and physical fitness requirements governing the licensee's armed security force personnel must be enhanced. Therefore, the Commission has determined that certain compensatory measures (CMs) are required to be implemented by licensees as prudent measures to improve tactical and firearms proficiency and physical fitness of the security forces at nuclear power reactor facilities. Therefore, the Commission is imposing requirements, as set forth in Attachment 2 of this Order,<sup>1</sup> on all licensees of these facilities. Pursuant to Section 147 of the Act, the Commission is broadening the scope of information protected under 10 CFR section 73.21(b)(1), and has designated the information in Attachment 2 as Safeguards Information (SGI). The Commission requires that the Safeguards Information be protected and that access to Safeguards Information be limited in accordance with 10 CFR section 73.21. Pursuant to section 147a of the Act, any person, "whether or not a licensee of the Commission, who violates any regulations adopted under this section shall be subject to the civil monetary penalties of section 234 of this Act." Furthermore, willful violations of any regulation or order governing Safeguards Information is a felony subject to criminal penalties in the form of fines or imprisonment, or both. (See sections 147b and 223 of the Act.) The requirements in Attachment 2, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety and

<sup>1</sup> Attachment 2 contains Safeguards Information. Therefore, Attachment 2 will not be released to the public.