

General Counsel will serve until replaced.

Sheldon Hackney,
Chairman.

[FR Doc. 96-25675 Filed 10-10-96; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of October 7, 14, 21, and 28, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of October 7

Wednesday, October 9

11:30 a.m. Affirmation Session (Public Meeting)

- a. Final Rulemaking—Revision to 10 CFR Part 20, Constraint for Airborne Radioactive Effluents to the Environment from NRC Licensees Other than Power Reactors and Agreement State Licensees; and Revision of the General Statement of Policy and Procedures for NRC Enforcement Actions (tentative) (Contact: Andrew Bates, 301-415-1963)

Week of October 14—Tentative

Tuesday, October 15

1:00 p.m. Briefing by Executive Branch (Closed—Ex. 1)

Wednesday, October 16

9:00 a.m. Briefing on Containment Degradation (Public Meeting) (Contact: Goutam Bagchi, 301-415-2733)

11:00 a.m. Briefing by Executive Branch (Closed—Ex. 1)

2:00 p.m. Briefing PRA Implementation Plan (Public Meeting)

(Contact: Gary Holahan, 301-415-2884)

3:30 p.m. Affirmation Session (Public Meeting) (if needed)

Thursday, October 17

10:30 a.m. and 1:30 p.m. All Employees Meetings (Public Meetings) on "The Green" Plaza Area between buildings at White Flint

Friday, October 18

9:00 a.m. Briefing on Integrated Safety Assessment Team Inspection (ISAT) at Maine Yankee (Public Meeting) (Contact: Ed Jordan, 301-415-7472)

Week of October 21—Tentative

There are no meetings scheduled for the Week of October 21.

Week of October 28—Tentative

There are no meetings scheduled for the Week of October 28.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Bill Hill (301) 415-1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmmh@nrc.gov or dkw@nrc.gov.

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William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96-26303 Filed 10-9-96; 10:28 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corporation; Crystal River Nuclear Generating Plant, Unit 3 Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation (NRR), has taken action on a Petition of March 28, 1996 (Petition), for action under § 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) filed by Louis D. Putney, Esq., on behalf of Barry L. Bennett (Petitioner) concerning the Crystal River Nuclear Generating Plant (CR3) of the Florida Power Corporation (the licensee).

The Petition alleged a number of security-related deficiencies associated with the CR3 facility. The Petition requested, pursuant to 10 CFR 2.206, NRC to investigate security concerns at CR3 and, upon a determination of their validity, institute a proceeding to suspend or revoke the operating license of CR3 pursuant to 10 CFR 2.202 until such time as these concerns are corrected. The Notice of Receipt of Petition Under 10 CFR 2.206 was published in the Federal Register on June 20, 1996 (61 FR 31562).

The Director of NRR determined that the Petition should be denied for the reasons explained in the "Director's Decision Under 10 CFR 2.206" (DD-96-13), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D.C., and at the Local Public Document Room for the CR3

plant located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

A copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c).

As provided by this regulation, the 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 7th day of October 1996.

For the Nuclear Regulatory Commission.
Frank J. Miraglia,
Acting Director, Office of Nuclear Reactor Regulation.

DIRECTOR'S DECISION UNDER 10 CFR 2.206

I. Introduction

On March 28, 1996, Louis D. Putney, Esq., on behalf of Barry L. Bennett (Petitioner), filed a Petition pursuant to § 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) and alleged a number of security deficiencies at Florida Power Corporation's (the licensee's) Crystal River Nuclear Generating Plant, Unit 3 (CR3). The Petitioner requested that the U.S. Nuclear Regulatory Commission (NRC or the staff) investigate the security deficiencies at CR3 and, upon determination of their validity, institute a proceeding to suspend or revoke the operating license of CR3, pursuant to 10 CFR 2.202, until such time as these concerns are corrected. The Petition was referred to the Office of Nuclear Reactor Regulation (NRR) for action in accordance with 10 CFR 2.206.

In a letter dated April 24, 1996, to the Petitioner, the Director of NRR acknowledged receipt of the Petition and informed the Petitioner that his request was being treated as a petition under 10 CFR 2.206. The April 24th letter also informed the Petitioner that as provided by 10 CFR 2.206, action will be taken on his request within a reasonable time. Receipt of the petition was noticed in the Federal Register (61 FR 31562). The staff has completed its review of the issues and has reached its conclusions, which are discussed herein.

II. Background

The Petitioner alleged security deficiencies at the CR3 plant and stated that they render the nuclear security program at CR3 ineffective. As the basis of his request, the Petitioner described examples of the security concerns,

which involved the following four areas: Compliance with licensing requirements and maintaining an effective security program; a pattern of lax security and failure to report security breaches; a practice of using only one guard to monitor several protected zones or entrances to the protected area; and a reduction of security force personnel.

The NRC staff has reviewed the Petition and the results of this review are discussed below.

A special inspection was conducted during the periods of March 13–22 and April 3–5, 1996, and is documented in NRC Inspection Report (IR) 50–302/96–02. This IR contains safeguards information as defined by 10 CFR 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended and therefore, is not available for public review. However, the IR summary does not contain safeguards information and, therefore, is available for public review at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the local public document room located at Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629.

III. Discussion

The Petitioner alleged that CR3's compliance with one of its licensing requirements, that is, maintaining a security program that would be effective against terrorist attack, is inadequate. Specifically, the Petitioner alleges that an operational security response effectiveness drill conducted in 1995 was unsuccessful and the results were not formally documented and reported to the NRC. Further, the Petitioner claims that the deficiencies revealed by the drill have never been corrected, and thus the plant remains susceptible to terrorist attack.

Two types of security drills have been conducted at CR3: an Operational Safeguards Response Evaluation (OSRE) by the NRC and a Security Organization Response Exercise (SORX) by the licensee. The NRC staff conducted an OSRE on February 15–18, 1994, and its results are documented in a letter to the licensee dated August 11, 1994. The licensee conducted SORX drills during May and June 1995. The staff contacted Louis D. Putney, the attorney for the Petitioner, to clarify whether the Petitioner's concern is related to the licensee's SORX or the NRC's Operational Safeguards Response Evaluation. Mr. Putney confirmed that the issue is related to the licensee's SORX drill.

In the course of the March 18–22 and April 3–5, 1996 inspection, the

inspector reviewed documentation, and interviewed licensed representatives to determine whether the licensee was meeting commitments specified in the Training and Qualification Plan (T&QP).

The inspector verified during these two inspection periods that the security force was being trained in accordance with the provisions outlined in the T&QP by reviewing 1995 records for 10 randomly selected security force members employed in the position of either response team member, alarm station operator/analyst, or access control officer. All members of the security force were appropriately equipped. The records reviewed indicate that the tasks, weapon requalification scores, and physical fitness requirements were documented satisfactorily. Interviews with security officers in various positions verified that they were knowledgeable for their duties and responsibilities. The inspector concluded that the licensee, at the time of these inspections, was meeting the commitments specified in the licensee's T&QP.

The inspector reviewed the licensee's documentation for SORX drills, which were conducted during May and June 1995. The licensee used attendance sheets to document each participant's attendance and performance. All participants for the seven SORX drills were documented as performing satisfactorily. In addition, these attendance sheets were signed and dated by the instructor/assessor, who on several occasions was the Petitioner. The licensee stated that the drills were successful, and inspection of the licensee's records and interviews with its employees did not show otherwise. Upon further discussion with licensee representatives, the inspector learned that licensee documented the 1993 and 1994 drills on Form TDP–307 and the 1995 drills on the attendance sheets as discussed above. Based on review of the documentation, interviews of the licensee representatives and security officers, and direct observations, the inspector concluded that there were no discovered vulnerabilities in the licensee's safeguards system or violations of licensed requirements during the licensee's SORX drills and that the licensee's training and qualification program meets the requirements in the T&QP.

The NRC inspector verified that the 1995 SORX drill results were not reported to the NRC, as alleged by the Petitioner. However, there is no regulatory requirement to report the results of drills unless certain safeguards system weaknesses are discovered during the drills that could

allow unauthorized or undetected access to protected or vital areas of the reactor. If the above weaknesses are discovered they are required to be compensated, corrected and reported or documented in accordance with NRC regulations; 10 CFR 73.55 and 73.71. No such vulnerabilities in the 1995 SORX drills were identified. The staff did not find violations of regulatory requirements in the conduct or documentation of the 1995 drills, and the Petitioner's concerns are not substantiated.

The Petitioner states that "there is a general laxity of security" and "a pattern of failure to report security breaches" at Crystal River. As the basis for these claims, the Petitioner cites three separate incidents that occurred in 1995 for which security reports were not filed: (1) A guard was found asleep at a compensatory post, (2) a security lieutenant took his badge off site, and (3) a guard was found reading a book instead of watching three security zones as assigned.

Pursuant to 10 CFR 73.71, licensees are required to report certain safeguards events to the NRC within one hour of discovery and other events must be recorded within 24 hours in the Safeguards Event Logs that are maintained by each licensee. During the weeks of March 18–22 and April 3–5, 1996, the inspector reviewed the licensee's Safeguards Event Logs for the period January 1995 to March 1996 to verify that the criteria specified in 10 CFR 73.71 were being met. The inspector verified that the three safeguards events identified by the Petitioner were documented in Security Incident Reports and logged in the licensee's Safeguards Event Log as required by 10 CFR 73.71. The inspector also determined that these three events were not one hour reportable events pursuant to 10 CFR 73.71, Appendix G. All of the three events identified by the Petitioner were properly logged and compensated for in accordance with 10 CFR 73.71. Therefore, the staff substantiated that these incidents occurred, but did not substantiate the Petitioner's claim of "failure to report security breaches."

During the March and April inspections, the inspector identified four violations of regulatory requirements relating to failure to adhere to the licensee's Physical Security Plan but unrelated to the specific issues raised by the Petitioner. By letter dated May 1, 1996, the staff issued a Notice of Violation citing these violations.

Three of these violations are related to operability of the vehicle barrier gate,

protected area lighting and storage of safeguards material. In response, on May 31, 1996, the licensee submitted its corrective action plan to ensure that such violations would not recur.

The fourth violation related to certain compensatory measures that the licensee implemented as part of its security upgrade. Specifically, the violation cited that the licensee's compensatory actions decreased the effectiveness of the alarm stations and did not meet the provisions specified in 10 CFR 50.54(p). The NRC staff, in a letter dated March 29, 1996, informed the licensee to cease the compensatory measures. In a subsequent meeting with the NRC on April 2, 1996, the licensee informed the NRC of the actions that it would take to maintain compliance with regulatory requirements. During the inspection of April 3-5, 1996, the NRC staff verified that the licensee was adhering to its commitments. Although this violation was serious, the NRC staff believes the timely actions implemented by the licensee to correct these deficiencies were satisfactory and that no further action by the NRC is warranted. Further, the staff concludes that neither the incidents identified by the petitioner with respect to security personnel's performance, nor the violations identified by the staff constitute "a general laxity of security."

The Petitioner states that the licensee's current practice of using only one guard to monitor several protected zones or entrances to the protected area does not provide adequate security. The licensee has committed to monitoring multiple protected zones or entrances in its NRC-approved Physical Security Plan (hereinafter referred to as the Plan) which describes compensatory measures that must be implemented when equipment or other resources are not in service. During the weeks of March 18-22 and April 3-5, 1996, the inspector reviewed the licensee's security program at CR3 with respect to guard monitoring of protected zones and found it to be in compliance with the Plan. Additionally, the inspector reviewed the established compensatory posts and determined that they were in accordance with the licensee's Plan and also with the recommended NRC guidance developed in NUREG-1045, "Guidance on the Application of Compensatory Safeguards Measures for Power Reactor Licensees," dated January 1984.

On the basis of its inspection, the staff finds that the licensee's current practice of monitoring multiple protected zones or entrances to the protected area is consistent with the Plan and provides adequate security. Therefore, the

Petitioner's concern regarding the adequacy of having one guard monitor several protected zones or entrances to the protected area was not substantiated.

The Petitioner states that the licensee intends to reduce its security force at CR3, and on that basis, the Petitioner raises a concern that the reduction in the security force would compromise security at the plant. In a discussion with licensee representatives on April 4, 1996, the inspector confirmed that the licensee intends to implement cost-saving measures that would employ new technology and result in a slight reduction in the number of security officers. The mere reduction in force does not indicate that plant security will be compromised. The licensee must ensure that, notwithstanding its cost-saving measures, its plan and security staffing will meet NRC requirements and are adequate to protect public health and safety. The number of security officers the licensee intends to utilize is required to, and will, meet the current commitments specified in the licensee's Plan. If the licensee decides to change the Plan commitments, it must identify the changes and submit them to NRC in accordance with NRC regulations. Therefore, the staff finds that the Petitioner's concern regarding personnel reduction and its consequent effect on plant security is not substantiated.

IV. Conclusion

The Petitioner's allegations have been partly substantiated. However, the NRC staff concludes that these concerns do not warrant suspension or revocation of Florida Power's license to operate CR3. With respect to violations identified, the NRC is satisfied that the licensee has taken appropriate action to correct the deficiencies. No further action based on concerns raised by the Petitioner is warranted. See Consolidated Edison Company of New York (Indian Point Units 1, 2, and 3), CLI-75-8, 2 NRC 173, 175 (1975); Washington Public Power Supply System (WPPSS Nuclear Project No. 2), DD-84-7, 19 NRC 899, 924 (1984). Therefore, any further action on the issues addressed in this Director's Decision is not warranted and the Petitioner's request for suspension or revocation pursuant to 10 CFR 2.202 is denied. As provided in 10 CFR 2.206(c), a copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission's review.

As provided by this regulation, the 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 7th day of October 1996.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96-26160 Filed 10-10-96; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer That Contributes to a Multiemployer Plan; St. Louis Cardinals, L.P.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted a request from the St. Louis Cardinals, L.P. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Major League Baseball Players Benefit Plan. A notice of the request for exemption from the requirement was published on July 24, 1996 (61 FR 38480). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESSES: The non-confidential portions of the request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005-4026, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ralph L. Landy, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; telephone 202-326-4127 (202-326-4179 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA" or "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met.