February 2, 1996, the LPDR will be closed.

Dated at Rockville, Maryland, this 4th day of January, 1996.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–285 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–245]

Northeast Utilities—Millstone Nuclear Power Station, Unit 1; Issuance of Director's Decision Under 10 CFR 2.206

In notice document 95–31255 beginning on page 66807, in the issue of Tuesday, December 26, 1995, the complete text of the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD–95–23) was not included. The complete text follows this correction notice.

Dated at Rockville, Maryland this 3rd day of January 1996.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

I. Introduction

On January 8, 1995, Mr. Anthony J. Ross (Petitioner) filed a Petition with the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR 2.206. In the Petition, the Petitioner raised concerns regarding the site paging and site siren evacuation alarm system in the Millstone Nuclear Power Station, Unit 1 maintenance shop.

The Petitioner alleged that on numerous occasions since January 1994, his department manager had instructed the Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Millstone Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request in violation of Technical Specification (TS) 6.8.1 and NUREG–0654. The Petitioner requested that the NRC impose at least three sanctions against his department manager, and impose sanctions against the Petitioner's coworker and maintenance first-line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5.

On February 23, 1995, I informed the Petitioner that the Petition had been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. I also informed the Petitioner that the NRC would take appropriate action within a reasonable time regarding the specific concerns raised in the Petition. On the basis of a review of the issues raised by the Petitioner as discussed below, I have concluded that no substantial health and safety issues have been raised that would warrant the action requested by the Petitioner.

II. Discussion

In the Petition, the Petitioner raised a concern that on numerous occasions since January 1994, his department manager had instructed the Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Millstone Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request in violation of TS 6.8.1 and NUREG–0654.

Licensees for nuclear power plants are required to have emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of 10 CFR Part 50, Appendix E. Under 10 CFR 50.47(b)(8), adequate emergency facilities and equipment to support the emergency response must be provided and maintained. Appendix E of Part 50 establishes minimum requirements for emergency plans for use in attaining an acceptable state of emergency preparedness. Section IV.E.9, in part, requires at least one onsite communications system.

NUREG–0654, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,'' provides guidance for developing radiological emergency plans and improving emergency preparedness. Section II.F.1.e states that each emergency plan shall include provisions for alerting or activating emergency personnel in each response organization. Section II.J.1 states that each licensee shall establish the means and time required to warn or advise onsite individuals and individuals who may be in areas controlled by the licensee. Technical Specification 6.8.1, in part, requires that procedures be established, implemented, and maintained covering emergency plan implementation.

The topic of this Petition was one of the maintenance-related issues the NRC staff raised to Northeast Nuclear Energy Company (NNECO), licensee for Millstone Unit 1, in letters dated December 5 and 28, 1994. In those letters, the NRC staff requested NNECO to review the issues and submit a written response. Specifically, the NRC requested NNECO to review the following: (1) That NNECO management had shut off the site paging and site siren evacuation alarm system or directed workers to shut off the system in the Unit 1 maintenance shop during morning meetings, (2) that on several occasions the system was not turned back on for hours, and (3) that the on/off switches for the speakers in question had been installed without a work order.

The licensee's investigation into this matter, which was described in its January 26, 1995, response to the NRC request, confirmed that the site paging and site siren evacuation alarm system had been routinely turned off at one of the two speakers located in the Millstone Unit 1 maintenance shop area during meetings, and that this practice was not consistent with Emergency Preparedness Department guidance and NUREG–0654.[1] However, NNECO management stated that it was confident that personnel could still hear the other speaker. This configuration was also tested during a special test conducted by NNECO. The results of the test verified that one of the two speakers had sufficient capacity to support event notification in the maintenance shop area. Since the single speaker could be heard, personnel in the maintenance area would be alerted if an emergency existed. NNECO's investigation also concluded that the on/off switches were installed without a work order in 1973 consistent with work performance processes at that time.

NNECO's corrective actions to address this concern included prohibiting the use of any switch that disables any feature of the site paging and site siren evacuation alarm system, removing the two speaker switches, and performing a walkdown of all other system speakers to verify that no other similar switches existed in the system.

The NRC conducted a special safety inspection from May 15 through June 23, 1995, at the Millstone station. During this inspection, the staff reviewed a number of the concerns, the topic of this Petition being one of them, and issued the findings in Inspection Report (IR) 50–245/95–22, 50–336/95–

[1] NUREG–0654, paragraph J.1, states that each licensee shall establish the means and time required to warn or advise onsite individuals and individuals who may be in areas controlled by the licensee. Emergency Preparedness Department guidance (Emergency Plan Administrative Procedure [EPAP] 1.15), at the time, required that the unit services director monitor and maintain emergency preparedness facilities and equipment. In Attachment 2 of EPAP 1.15, the Unit 1 public announcement speakers and evacuation alarm were included as emergency preparedness equipment.

22, 50–423/95–22 (95–22), dated July 21, 1995.

The NRC inspector reviewed the results of the monthly page and siren tests, which were done in accordance with Procedure C-OP–605, and the separate test conducted in the Millstone Unit 1 maintenance shop area. The review of the last two monthly tests showed that the site alarm was audible over ambient noise in all the tested areas. The review of the separate Millstone Unit 1 maintenance shop test showed that either switch, when in the off position, would not disable the system and that with one of the speakers turned off, the other speaker had sufficient capacity to support event notification.

Emergency Preparedness Department guidance (EPAP 1.15) required that emergency preparedness equipment be maintained. The purpose of the guidance, as it related to the speakers, was to warn or advise onsite individuals. Since the single speaker could still be heard, the Petitioner's department manager stated in a meeting with the NRC inspectors that he believed the Emergency Preparedness Department guidance was still being met. Therefore, the Petitioner has not supported his assertion that the department manager and, indirectly, his first-line supervisor and coworker, deliberately violated Millstone procedures or technical specifications, 10 CFR 50.47(b), or 10 CFR Part 50, Appendix E, or failed to meet the guidance in NUREG–0654.

The inspector reviewed NNECO's corrective actions and confirmed that a work order had been processed to disconnect and remove the cutoff switches and that this work was completed. The inspector reviewed several Millstone site daily news articles (''To the Point'') that reinforced the message of not adjusting speaker volume. The articles clearly stated that management expectations and emergency preparedness guidance were that personnel were not to tamper with emergency preparedness equipment. The inspector also discussed the results of a walkdown of the entire system with a licensee representative. The representative stated that one additional speaker on/off switch had been found in the Unit 3 instrumentation and controls area. This speaker's on/off switch was subsequently removed.

NNECO's investigation had also concluded that the switches were installed in 1973 without the use of a work order. The work control process has been enhanced significantly at Millstone Unit 1 since 1973. Performing modifications to equipment important to safety, such as the site paging and site alarm siren evacuation system, would now require engineering and operations department review. It would also require consideration of relevant regulatory requirements. During these reviews it would be expected that modifications of this type (i.e., done without such a work order) would be rejected and not implemented. The NRC inspector concluded that NNECO's current work control practices would require an automated work order for this type of modification and that these switches could not have been installed without such a work order under the current work control procedures. Therefore, since a work order for this modification was not required in 1973, no enforcement action is warranted.

The NRC inspector concluded in the Inspection Report that turning off the site paging and site siren evacuation alarm system speaker was in violation of the licensee's emergency preparedness plan (and thus a violation of TS 6.8.1) and not in conformance with the guidance in NUREG–0654. Therefore, this issue, and three others were collectively cited as a Severity Level IV violation.[2] However, the Inspection Report stated that since the operators in the maintenance shop were still able to hear information provided by the other speaker in the maintenance area, this event was of low safety significance and that it appeared NNECO had taken effective corrective action to correct the problem.

The NRC staff has concluded that the enforcement action already taken is sufficient in this case and, therefore, no additional enforcement action is warranted. The NRC staff has also concluded that although the Petitioner's department manager turned off or had the Petitioner's coworkers turn off one of the speakers, the Petitioner has not supported his assertion that his department manager and coworkers deliberately violated NRC regulations or the Millstone Unit 1 operating license and, thereby, violated the provisions of 10 CFR 50.5.

III. Conclusion

The institution of proceedings pursuant to 10 CFR 2.206 is appropriate only if substantial health and safety issues have been raised. See *Consolidated Edison Co. of New York* (Indian Point Units 1, 2, and 3) CLI–75–8, 2 NRC 173, 175 (1975) and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD–84–7 19 NRC 899, 924 (1984). This is the standard that has been applied to the concerns raised by the Petitioner to determine whether the action requested by the Petitioner, or other enforcement action, is warranted.

On the basis of the above assessment, I have concluded that no substantial health and safety issues have been raised regarding Millstone Nuclear Power Station, Unit 1, that would require initiation of additional enforcement action as requested by the Petitioner.

The NRC has taken appropriate enforcement action for the events referenced in the Petition. The Petitioner's request for additional action is denied. As provided in 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision in that time.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–286 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[2] The three other issues involved violations of Millstone Procedure ACP-QA–4.02B, ''Receipt, Control and Identification of QA Material,'' ACP-QA–4.01A, ''System and Component Housekeeping,'' and DC–1, ''Administration of Millstone Procedures and Forms.'' (NRC Inspection Report 50–245/95–22, 50–336/95–22, 50–423/95–22, dated July 21, 1995)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36668 ; File No. SR–BSE–95–16]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to its Specialist Performance Evaluation Program

January 22, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 14, 1995, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.