The Commission's regulations regarding physical protection of nuclear plants are set forth in 10 CFR part 73. The regulations require a physical protection system designed to protect against acts of radiological sabotage or theft of special nuclear material based on certain design basis threats. The design basis threats for radiological sabotage defined in 10 CFR part 73.1(a)(1) include ''a determined, violent, external assault.'' The potential threat posed by malevolent use of vehicles as part of a violent external assault and the need to protect against it, were the subject of detailed analysis before the NRC published its regulations on design basis threat. However, the use of a land vehicle bomb was not initially included in the design basis threat for radiological sabotage.

The newspaper article cited by the Petitioner describes two events that occurred in February 1993: a forced vehicle entry into the protected area at Three Mile Island (TMI), Unit 1, and a van bomb which was detonated in a public underground parking garage at the World Trade Center in New York City. As a result of these events, the Commission directed the NRC staff to reevaluate and, if necessary, update the design basis threat for vehicle intrusions and the use of vehicle bombs.

In its subsequent review of the threat environment, the NRC staff concluded that there is no indication of an actual vehicle threat against the domestic commercial nuclear industry (59 FR 38889, August 1, 1994). Nonetheless, in light of the above recent events, the NRC staff concluded that a vehicle intrusion or bomb threat to a nuclear power plant could develop without warning in the future. Therefore, on August 1, 1994, the Commission published in the **Federal Register** (59 FR 38889), a final regulation to amend its physical protection regulation for operating nuclear power reactors. The amendments modified the design basis threat for radiological sabotage to include use of a land vehicle by adversaries for transporting personnel and their hand-carried equipment to the proximity of vital areas and to include a land vehicle bomb (*see* 10 CFR 73.1(a)(1)(i)(E) and (iii)).

All operating commercial nuclear power plants, including SONGS Units 2 and 3, must comply with the modified design basis threat. This amended rule requires reactor licensees to install vehicle control measures, including vehicle barrier systems, to protect against the malevolent use of a land vehicle by February 29, 1996 (*see* 10 CFR 73.55(c)(9)). A description of the proposed vehicle control measures for all operating commercial power reactors was required to be submitted to the Commission by February 28, 1995, for review. The licensee for SONGS submitted its proposed measures on February 24, 1995, and they are currently being reviewed by the NRC staff.

The security program at SONGS has consistently demonstrated superior performance and continues to exceed regulatory requirements. In addition to the normal NRC inspection activities of the SONGS security program, and Operational Safeguards Response Evaluation (OSRE) was conducted with the assistance of members of the U.S. Army Special Forces. One objective of the OSRE is to evaluate the licensee's abilities to respond to an external threat. The OSRE team concluded that SONGS had an excellent contingency response capability.

The Petitioner has failed to provide an adequate basis for asserting that the plant is not defensible. The petitioner cited a newspaper article as basis for his allegation. The article does not provide any information that is new or different than that already considered by the Commission. The staff has concluded that the Petitioner has not raised a significant health or safety issue.

IV. Conclusion

The NRC staff has reviewed the basis and justification stated to support the Petitioner's request that the NRC take appropriate actions to cause the shutdown and dismantling of SONGS. This review did not reveal any substantial safety issues that would call into question the continued safe operation of SONGS.

The institution of proceedings in response to a request pursuant to Section 2.206 is appropriate only when 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, (1975), and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD–84–7, 19 NRC 899, 923 (1984). This standard has been applied to determine whether any action in response to the Petition is warranted. For the reasons discussed above, no basis exists for taking any action in response to the Petition as no substantial health or safety issues have been raised by the Petition. Accordingly, no action pursuant to Section 2.206 is being taken in this matter.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission to 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 27th day of April 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95–11030 Filed 5–3–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 030–31609 License No. 37–28496–01 (Revoked) EA 94–253]

McCormick, Taylor, And Associates, Inc., Philadelphia, Pennsylvania; Order Imposing A Civil Monetary Penalty

I

McCormick, Taylor and Associates, Inc. (MTA) (Licensee) was the holder of Byproduct Materials License No. 37–28496–01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) on October 31, 1979. The License was revoked by the Commission on August 13, 1992 for nonpayment of fees. The License authorized MTA to possess and use certain byproduct materials in accordance with the conditions specified therein at its facility in Philadelphia, Pennsylvania.

II

An inspection of MTA's activities was conducted on December 2, 1994, at MTA's facility located in Philadelphia, Pennsylvania. The results of the inspection and review of communication (and associated documents) conducted between NRC and MTA between August 13, 1992, and November 19, 1994, indicated that MTA had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon MTA by letter dated February 13, 1995. The Notice states the nature of the violations, the provisions of the NRC requirements that MTA had violated, and the amount of the civil penalty proposed for one of the violations.

MTA responded to the Notice in two letters, both dated March 10, 1995. In its responses, MTA admits the violations as stated in the Notice and requests mitigation of the penalty.

III

After consideration of MTA's responses and the statements of fact, explanation, and arguments for

mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated in the Notice, and that the violation set forth in Section I of the Notice was appropriately classified at a Severity Level III. The staff also has determined that an adequate basis was provided for partial mitigation of the penalty, and that a penalty of $2,000 should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that: MTA pay a civil penalty in the amount of $2,000 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

MTA may request a hearing within 30 days of the date of the date of this Order. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If MTA fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event MTA requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of Violation I, which is admitted by MTA, this Order should be sustained.

Dated at Rockville, Maryland, this 26th day of April 1995.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluations and Conclusion

On February 13, 1995, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during a review of communications (and associated documents) conducted between NRC and McCormick, Taylor and Associates, Inc. (MTA) between August 13, 1992 and November 9, 1994, as well as an NRC inspection conducted at the MTA facility on December 2, 1994. MTA responded to the Notice in two letters, both dated March 10, 1995. In its responses, MTA admits the violations as stated in the Notice, but requests mitigation of the penalty. The NRC's evaluation and conclusion regarding MTA's requests are as follows:

Summary of MTA's Request for Mitigation

In its response, MTA maintains that there are a number of extenuating circumstances and other mitigating factors which should be considered and result in mitigation of the penalty.

With respect to the NRC application of 50% escalation because the violation was identified by the NRC, MTA contends that it, in fact, notified the NRC on December 2, 1994, that it could not locate the gauge. MTA states that it did not become convinced until December 1 or 2, 1994 that the gauge had been stolen or misplaced. MTA further contends that a statement made by the Radiation Safety Officer during a telephone conversation with the NRC on December 2, 1994, was, in fact, a notification that MTA was in violation.

With respect to the NRC application of 50% escalation because of the lack of prompt action, MTA states that it was not until December 2, 1994, that it became fully aware that the gauge was lost or stolen. MTA further maintains that it has acted promptly and aggressively since December in an attempt to locate the gauge.

With respect to the NRC application of 100% escalation because of prior opportunity to prevent the violation, MTA states that it did not believe it ever received the Order issued in 1992 for nonpayment of fees. At the enforcement conference, MTA indicated that it requested proof of a delivery receipt from the NRC but the NRC has not yet provided MTA with a receipt. MTA also states that its Chief Financial Officer had a conversation with an NRC representative (unnamed) in 1993, and was told that with its payment of fees and penalties at that time it was fully paid up through September 1994.

With respect to the NRC application of 100% escalation based on duration (because the gauge was unattended for an extended period), MTA states that there is no evidence to document how long the gauge was outside the locked storage closet before it was lost or stolen. MTA also states that its office is not easily accessible and is typically a secure location, noting that the fact that the gauge was out of its locked storage cabinet was not as risky a location as it might seem. Therefore, while admitting the violation, MTA maintains that these factors should reduce the escalation.

MTA also describes other bases which it considers mitigating factors and extenuating circumstances to the proposed civil penalty. Specifically, MTA contends that there was significant confusion over payment of fees from 1991 to 1993, noting that on at least one occasion, it was cited for nonpayment of a particular charge that had in fact been paid. MTA stated that due to the confusion over payment of fees, when it was contacted in August and September of 1994, there was still confusion over payment. MTA further states that this confusion, and the fact that it never received the Order in 1992 may help explain why it did not initially respond with urgency.

MTA also states that a significant amount has already been paid in penalties for late payment of fees and that the imposition of an additional $3,000 seems excessive. MTA maintains that it acted aggressively to locate the gauge over the ten weeks prior to its response. MTA states that the penalty is excessive to emphasize the importance of maintaining a valid license, and is unnecessary since MTA does not intend to possess a gauge of this type, or any NRC licensed material, in the future. MTA requests that the civil penalty be reduced to $500.

NRC Evaluation of Licensee's Request for Mitigation

The NRC letter, dated February 13, 1995, transmitting the civil penalty, notes that the base civil penalty amount of $500 in this case was increased by 50% because the violations were identified by the NRC; increased by 50% based on the licensee's lack of prompt corrective action; increased by 100% based on the prior opportunity since the Order provided ample notice of the need to control entry to restricted areas; and increased 100% based on the duration because the gauge was unattended in the vicinity of a closet for an extended period, based on the RSO's recollection. The letter also notes that to emphasize the importance of maintaining a valid license or properly disposing of NRC-licensed materials, particularly after the NRC directed and reminded MTA to do so, and the importance of maintaining proper control of licensed material, the NRC exercised discretion in accordance with Section VII.A of the Enforcement Policy and increased the base civil penalty by an additional 200%. As a result, a penalty of $3,000 was proposed.

With respect to the identification factor, the NRC is not citing the licensee for failure to notify the NRC as required. It was during the NRC inspection that the specific violation was identified, namely, failure to maintain adequate security of licensed material (which resulted in the gauge being lost or stolen). Further, the loss of the gauge was only identified after the NRC repeatedly reminded MTA of the need to transfer the gauge to an authorized recipient, as well as to notify the NRC that such a transfer had taken place. Therefore, mitigation is not warranted for this factor.

With respect to the corrective actions and prior opportunity to identify factors, the NRC also notes that MTA had ample opportunity to identify and correct any problems with security of the gauge, via the repeated

contacts with the NRC reminding MTA of the need to transfer the gauge to an authorized recipient. If MTA had aggressively responded to the Notice of a Violation issued by the NRC on September 7, 1994, or the telephone call from Mr. Walt Pasciak on August 29, 1994, the security violation could have either been prevented, or corrected, or identified if the gauge was already missing.

MTA's failure to do so is considered particularly egregious. Even if MTA had not received a copy of the 1992 Order, it had several conversations with NRC staff regarding the status of the gauge between August 1992 and November 1994, and had received the September 7, 1994 Notice of Violation which provided prior opportunities to prevent or correct this violation. If MTA had promptly acted to locate and transfer the gauge to an authorized recipient at that time, the security violation and subsequent loss of the gauge might have been prevented. Therefore, no mitigation is warranted for these factors.

With respect to the duration factor, while MTA contends that its office is typically a secure location, and the gauge being out of its locked storage cabinet is not as risky a situation as it might seem, MTA's action to remove the gauge from its secure location without taking appropriate measures for an extended period, as the RSO recollects, provided an appropriate basis for excalating the penalty on this factor. Therefore, no mitigation of this factor is warranted.

Escalation of the penalty by 200% to emphasize the importance of maintaining a valid license is no longer warranted due to MTA's assertion that they do not intend to posses any NRC licensed material in the future. Therefore, the penalty is reduced to $2,000.

Furthermore, notwithstanding MTA's contention, the NRC does not consider the penalty excessive, particularly given the fact that the security violation resulted in a loss or theft of radioactive material.

NRC Conclusion

The NRC has concluded that MTA did not provide an adequate basis for mitigation of the civil penalty to $500. Given the significance of the failure to maintain security of radioactive materials, and the loss of the gauge that occurred in this case, a civil penalty in the amount of $2,000 should be imposed.

[FR Doc. 95–11029 Filed 5–3–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Deadline for Submission of Petitions in the 1995 Annual GSP Review

AGENCY: Office of the United States Trade Representatives.

ACTION: Notice of the 1995 Annual GSP Review.

SUMMARY: The notice announces the deadline for the submission of petitions in the 1995 Annual GSP Review.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., Room 518, Washington, DC 20506. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. Announcement of 1995 Annual GSP Review

The GSP regulations (15 CFR 2007.3 *et seq.*) provided for annual review, unless otherwise specified by **Federal Register** notice. Notice is hereby given that, in order to be considered in the 1995 Annual GSP Review, all petitions to modify the list of articles eligible for duty-free treatment under the GSP and requests to review the GSP status of any beneficiary developing country must be received by the GSP Subcommittee no later than 5 p.m., Wednesday, June 14, 1995. Petitions submitted after the deadline will not be considered for review and will be returned to the petitioner. The GSP provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP is authorized by Title V the Trade Act of 1974, as amended (''Trade Act'') (19 U.S.C. 2461 *et seq.*), and was implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive Orders and Presidential Proclamations.

A. 1995 Annual GSP Review

Interested parties or foreign governments may submit petitions: (1) To designate additional articles as eligible for GSP; (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; (3) to waive the competitive need limits for individual beneficiary developing countries with respect to specific GSP eligible articles; (4) to have the GSP status of any eligible beneficiary developing country reviewed with respect to any of the designation criteria listed in sections 502(b) or 502(c) of the Trade Act (19 U.S.C. 2462 (b) and (c)); and, (5) to otherwise modify GSP coverage.

B. Identification of Product Requests With Respect to the Harmonized Tariff Schedule of the United States

The Harmonized Tariff Schedule of the United States (HTS) was implemented by the United States on January 1, 1989, and replaces the former Tariff Schedules of the United States nomenclature. All product petitions must include a detailed description of the product and the HTS subheading in which the product is classified.

C. Submission of Petitions and Requests

Petitions to modify GSP treatment should be addressed to GSP Subcommittee, Office of the U.S. Trade Representative, 600 17th Street, NW., Room 518, Washington, DC 20506. All such submissions must conform with the GSP regulations, which are set forth at 15 CFR 2007. These regulations were published in the **Federal Register** on Tuesday, February 11, 1986 (FR 5035). The regulations are printed in ''A Guide to the U.S. Generalized System of Preferences (GSP)'' (August 1991) (''GSP Guide''). Information submitted will be subject to public inspection by appointment only with the staff of the USTR Public Reading Room, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. An original and fourteen (14) copies of each petition must be submitted in English. If the petition contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the submission containing confidential information should be clearly marked ''confidential'' at the top and bottom of each and every page of the submission. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each page (either ''public version'' or ''nonconfidential'').

Petitioners are strongly advised to review the GSP regulations. Petitioners are reminded that submissions that do not provide all information required by § 2007.1 of the GSP regulations will not be accepted for review except upon a detailed showing in the submission that the petitioner made a good faith effort to obtain the information required. These requirements will be strictly enforced. Petitions with respect to competitive need waivers must meet the informational requirements for product addition requests in § 2007.1(c). A model petition format is available from the GSP Subcommittee and is included in the GSP Guide. Petitioners are requested to use this model petition format so as to ensure that all informational requirements are met. Furthermore, interested parties