




OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 9, 1996

MEMORANDUM TO: William T. Russell, Director  
Office of Nuclear Reactor Regulation

FROM:  Jack R. Goldberg  
Deputy Assistant General Counsel  
for Enforcement

SUBJECT: SECTION 2.206 PETITION OF BARRY L. BENNETT ON CRYSTAL RIVER

Attached is a copy of a Petition dated March 28, 1996, filed on behalf of Barry L. Bennett (Petitioner). Petitioner requests, pursuant to 10 C.F.R. § 2.206, that the U.S. Nuclear Regulatory Commission (Agency or NRC) investigate concerns regarding security deficiencies at Florida Power Corporation's Crystal River nuclear power plant (Crystal River). Petitioner also requests, upon a determination that these concerns are valid, that the NRC institute a proceeding to suspend or revoke the operating license of Crystal River pursuant to 10 C.F.R. § 2.202 until such time as these concerns are corrected.

As the basis for his requests, Petitioner states that during his employment with SBI Inc., a company that provided contract nuclear security services for Florida Power Corp., he observed various security deficiencies at Crystal River. The Petition describes four examples of these security concerns.

First, Petitioner claims that Crystal River's compliance with one of its licensing requirements, maintaining a security program that would be effective against terrorist attack, is inadequate. Specifically, Petitioner claims that the results of an unsuccessful Operational Security Response Effectiveness Security drill conducted in 1995 were never formally documented and reported to the NRC. Further, Petitioner claims that the deficiencies revealed by the drill have never been corrected and thus the plant remains susceptible to terrorist attack.

Second, Petitioner asserts that there is a pattern of lax security and failing to report security breaches at Crystal River. By way of example, Petitioner claims that no security reports were filed on three separate incidents that occurred in 1995: 1) a guard was found asleep at Post 25, 2) a security lieutenant took his badge offsite, and 3) a guard was found reading a book instead of watching three security zones as assigned.

Contact: Sandy Vora  
415-1562

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Third, Petitioner claims that Florida Power Corp.'s current practice of using only one guard to monitor several protected zones or entrances to the protected area provides inadequate security.

Finally, Petitioner claims that Florida Power Corp. intends to reduce its security force at the Crystal River plant and that this plan would compromise security at the plant.

I have attached drafts of a letter of acknowledgement to Petitioner and a Notice of Receipt of the Petition for publication in the *Federal Register*. The OGC attorney assigned to this matter is Sandy Vora who may be reached at 415-1562.

Should you want Florida Power Corp. to respond to this matter, we will assist your staff in soliciting such additional information from them.

Please inform Ms. Vora as to which technical staff member will prepare a response to the Petition. Also, please provide me with copies of all correspondence related to the Petition and send all staff correspondence to me for concurrence.

Attachments: 1. Copy of Petition with attachments  
2. Draft letter of acknowledgement  
3. Draft *Federal Register* notice

cc w/atts: M. Malsch, OGC  
S. Burns, OGC  
L. Chandler, OGC  
S. Ebnetter, RII  
C. Evans, RII

(10 C.F.R. § 2.206)

Louis D. Putney, Esq.  
4805 South Himes Avenue  
Tampa, Florida 33611-2616

Dear Mr. Putney:

This letter acknowledges receipt of your March 28, 1996 correspondence sent on behalf of Barry L. Bennett, requesting action with regard to Crystal River nuclear power plant (Crystal River) licensed by Florida Power Corp. Your request is being treated as a Petition under 10 C.F.R. § 2.206 of the Commission's regulations.

Your Petition requests that the U.S. Nuclear Regulatory Commission (Agency or NRC) investigate concerns regarding security deficiencies at Crystal River. You also request, upon a determination that these concerns are valid, that the NRC institute a proceeding to suspend or revoke the operating license of Crystal River pursuant to 10 C.F.R. § 2.202 until such time as these concerns are corrected.

As the basis for Mr. Bennett's requests, you state that during his employment with SBI Inc., a company that provided contract nuclear security services for Florida Power Corp., Mr. Bennett observed various security deficiencies at Crystal River. The Petition describes four examples of these security concerns.

First, Mr. Bennett claims that Crystal River's compliance with one of its licensing requirements, maintaining a security program that would be effective against terrorist attack, is inadequate. Specifically, Mr. Bennett claims that the results of an unsuccessful Operational Security Response Effectiveness Security drill conducted in 1995 were never formally documented and reported to the NRC. Further, Mr. Bennett claims that the deficiencies revealed by the drill have never been corrected and thus the plant remains susceptible to terrorist attack.

Second, Mr. Bennett asserts that there is a pattern of lax security and failing to report security breaches at Crystal River. By way of example, Mr. Bennett claims that no security reports were filed on three separate incidents that occurred in 1995: 1) a guard was found asleep at Post 25, 2) a security lieutenant took his badge offsite, and 3) a guard was found reading a book instead of watching three security zones as assigned.

Third, Mr. Bennett claims that Florida Power Corp.'s current practice of using only one guard to monitor several protected zones or entrances to the protected area provides inadequate security.

Finally, Mr. Bennett claims that Florida Power Corp. intends to reduce its security force at Crystal River and that this plan would compromise security at the plant.

Louis D. Putney, Esq.

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Your Petition has been referred to me pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. As provided by section 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the Notice that is being filed with the Office of the Federal register for publication.

Sincerely,

William T. Russell, Director  
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl: Florida Power Corporation



U.S. NUCLEAR REGULATORY COMMISSION

Docket No. \_\_\_\_\_

FLORIDA POWER CORPORATION

Crystal River Power Plant  
(License No. \_\_\_\_\_)

RECEIPT OF PETITION FOR DIRECTOR'S DECISION  
UNDER 10 C.F.R. § 2.206

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Notice is hereby given that the Staff of the U.S. Nuclear Regulatory Commission (NRC) has received a Petition dated March 28, 1996, filed by Louis D. Putney, Esq. on behalf of Barry L. Bennett (Petitioner). The Petition requests, pursuant to 10 C.F.R. § 2.206, that the NRC investigate concerns regarding security deficiencies at Florida Power Corporation's Crystal River nuclear power plant (Crystal River). Petitioner also requests, upon a determination that these concerns are valid, that the NRC institute a proceeding to suspend or revoke the operating license of Crystal River pursuant to 10 C.F.R. § 2.202 until such time as these concerns are corrected.

As the basis for his Petition, Mr. Barry claims that during his employment with SBI Inc., a company that provided contract nuclear security services for Florida Power Corp., he observed various security deficiencies at Crystal River.

The Petition is being treated pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The Petition has been referred to the Director of Nuclear Reactor Regulation (NRR). As provided by section 2.206, appropriate action will be taken on the Petition within a reasonable time.

A copy of the Petition is available for inspection and copying in the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

William T. Russell, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland

this \_\_\_\_ day of \_\_\_\_\_ 1996.





Louis D. Putney

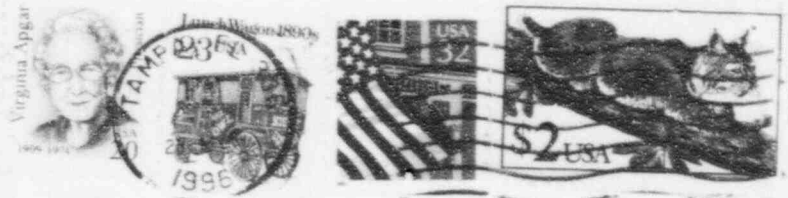
Attorney At Law

4805 SOUTH HIMES AVENUE  
TAMPA, FLORIDA 33611-3600

CERTIFIED

P 575 223 678

MAIL



RETURN RECEIPT REQUESTED

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

RETURN RECEIPT REQUESTED

A handwritten signature in black ink, appearing to be 'Louis D. Putney', written over a series of horizontal lines.