

**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration****108th Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 108th public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Wednesday, November 10, 1999.

The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m. in the Secretary's Conference Room in S-2508, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210, is for the three 1999 working group chairs to present their committees' reports to the full body for acceptance and for the presentation of a status report on the activities of the Pension and Welfare Benefits Administration, which staffs the Advisory Council for the Secretary of Labor. In addition, the Advisory Council will bid farewell to five members who are completing their three-year terms of office. They include Barbara Uberti, current chair of the Advisory Council; Dr. Thomas J. Mackell, Jr., current vice chair of the Council; Michael Fanning, J. Kenneth Blackwell and Neil Grossman.

Working Group topics and the chairs of those working groups are:

- Benefit Implications of a Contingent Workforce, Mr. Fanning;
- Exploring the Possibility of Using Pension Surplus to Fund Retiree Health Benefits, Michael J. Gulotta, and
- The Trend in the Defined Benefit Plan Market with a Focus on Hybrid Plans, including Cash Balance Plans, Judith F. Mazo.

Members of the public are encouraged to file a written statement pertaining to any of these topics by submitting 20 copies on or before November 1, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the full Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations,

should contact Sharon Morrissey by November 1, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 1.

Signed at Washington, DC, this 18th day of October, 1999.

**Richard McGahey,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 99-27654 Filed 10-21-99; 8:45 am]

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**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration****Working Group on the Benefit Implications Due to the Growth of a Contingent Workforce Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what the benefit implications are due to the growth of a contingent workforce will hold an open public meeting on Tuesday, November 9, 1999, in Room N3437 A-B, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for Working Group members to complete its report and recommendations for the year to present November 10 at the full Advisory Council meeting.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 1, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may

be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 1, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 1.

Signed at Washington, DC, this 18th day of October, 1999.

**Richard McGahey,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-295 and 50-304] s

**Commonwealth Edison Company (Zion Nuclear Power Station Units 1 and 2); Exemption****I**

Commonwealth Edison Company (ComEd or the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48, which authorize the licensee to possess the Zion Nuclear Power Station (ZNPS). The license states, among other things, that the facility is subject to all the rules, regulations, and orders of the US Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of two pressurized-water reactors located at the ComEd site on the west shore of Lake Michigan about 40 miles north of Chicago, Illinois, in the extreme eastern portion of the city of Zion, Illinois (Lake County). The facility is permanently shut down and defueled, and the licensee is no longer authorized to operate or place fuel in the reactor.

**II**

Section 73.55 of Title 10 of the Code of Federal Regulations, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," states that "The licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and

do not constitute an unreasonable risk to the public health and safety.”

By letter dated July 30, 1999, the licensee requested an exemption from certain requirements of 10 CFR 73.55. These requirements are: (1) 10 CFR 73.55(a)—the requirement that a licensed senior operator suspend safeguards measures and assigning that authority to a certified fuel handler; (2) 10 CFR 73.55(c)(6)—the requirement that the reactor control room be bullet resisting; (3) 10 CFR 73.55(e)(1)—the requirements to have a secondary alarm station, that the central alarm station be located in the protected area, that the central alarm station be classified as a vital area, and that the onsite secondary power supply system for alarm annunciator equipment and non-portable communication equipment be located in a vital area; (4) 10 CFR 73.55(f)(4)—the requirement that non-portable communication equipment located in the central alarm station remain operable from independent power sources if normal power is lost; and (5) 10 CFR 73.55(h)(3)—the requirement to have five or more guards per shift immediately available to fulfill response requirements. The proposed exemption is a preliminary step toward enabling ComEd to revise the Zion Security Plan under 10 CFR 50.54(p) to implement a defueled security plan that was developed to protect against radiological sabotage at a permanently shutdown reactor facility with all fuel stored in the spent fuel storage pool.

### III

Pursuant to 10 CFR 73.5, “Specific exemptions,” the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. Section 73.55 allows the Commission to authorize a licensee to provide alternative measures for protection against radiological sabotage, provided the licensee demonstrates that the proposed measures meet the general performance requirements of the regulation and that the overall level of system performance provides protection against radiological sabotage equivalent to that provided by the regulation.

The underlying purpose of 10 CFR 73.55 is to provide reasonable assurance that adequate security measures can be taken in the event of an act of radiological sabotage. Because of its permanently shutdown and defueled condition, the number of target sets susceptible to sabotage attacks has been

reduced. In addition, with more than 31 months of radiological and heat decay since ZNPS was shut down on February 21, 1997, the radiological hazards associated with the remaining target sets, even if subject to sabotage attack, do not pose a significant threat to the public health and safety.

### IV

For the foregoing reasons, the Commission has determined that the proposed alternative measures for protection against radiological sabotage meet the same assurance objective and the general performance requirements of 10 CFR 73.55 considering the permanently shutdown conditions at the ZNPS with all of the fuel in the spent fuel pool. In addition, the staff has determined that the overall level of the proposed system’s performance, as limited by this exemption, would not result in a reduction in the physical protection capabilities for the protection of special nuclear material or of the Zion Nuclear Power Station. Specifically, an exemption is being granted for five (5) specific areas in which the licensee is authorized to modify the existing security plan commitments commensurate with the security threats associated with a permanently shutdown and defueled site, as follows: (1) 10 CFR 73.55(a)—an exemption from the requirement that a licensed senior operator suspend safeguards measures and assigning that authority to a certified fuel handler; (2) 10 CFR 73.55(c)(6)—an exemption from the requirement that the reactor control room be bullet resisting; (3) 10 CFR 73.55(e)(1)—an exemption from the requirements to have a secondary alarm station, that the central alarm station be located in the protected area, that the central alarm station be classified as a vital area, and that the onsite secondary power supply system for alarm annunciator equipment and non-portable communication equipment be located in a vital area; (4) 10 CFR 73.55(f)(4)—an exemption from the requirement that non-portable communication equipment located in the central alarm station remain operable from independent power sources if normal power is lost; and (5) 10 CFR 73.55(h)(3)—an exemption from the requirement to have five or more guards per shift immediately available to fulfill response requirements.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby

grants Commonwealth Edison an exemption as described above from those requirements of 10 CFR 73.55 at the Zion Nuclear Power Station in its permanently shutdown and defueled condition.

Pursuant to 10 CFR 51.32, the Commission has determined that this exemption will not have a significant effect on the quality of the human environment (64 FR 53423).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 18th day of October 1999.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management Office of Nuclear Reactor Regulation.*

[FR Doc. 99–27683 Filed 10–21–99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

### Consumers Energy Company, Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–20 issued to the Consumers Energy Company (the licensee) for operation of the Palisades Plant, located in Van Buren County, Michigan.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed amendment would replace the current Technical Specifications (CTS) in their entirety with improved TSs (ITS) based on the guidance provided in NUREG–1432, Revision 1, “Standard Technical Specifications, Combustion Engineering Plants,” dated April 1995. The proposed action is in accordance with the licensee’s application for amendment dated January 26, 1998, as supplemented by letters dated April 30, September 14, October 12, and November 9, 1998, and March 1, March 22, March 30, April 7, May 3, June 4, June 11, June 17, July 19, July 30, September 17, and September 30, 1999.

##### *The Need for the Proposed Action*

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of technical specifications (TSs). The