

achieve the underlying purpose of the rule.

Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemption to allow a one-time exemption to permit a scheduler extension for NMP2 of one cycle for the performance of the Appendix J, Type A test, provided that the visual containment inspection is performed, to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (60 FR 17374).

This Exemption is effective upon issuance and shall expire at the completion of the late 1996 refueling outage.

Dated at Rockville, Maryland, this 24th day of April 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Director, Division of Reactor Projects—I/II,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-10729 Filed 5-1-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-21, issued to the Northeast Nuclear Energy Company (NNECO/the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

The proposed amendment would revise the Technical Specification (TS) 3.1.2.4, "Charging Pumps—Operating," by adding a note that indicates that the provisions of TS 3.0.4 and 4.0.4 are not applicable for entry into MODE 4 from MODE 5.

Currently Millstone Unit 2 is in an extended shutdown, but is scheduled to start up in the near future. The current TS 3.1.2.3 limits Millstone Unit No. 2 to only one charging pump and one high pressure safety injection (HPSI) pump for MODES 4 and 6. TS 3.1.2.4 requires that two charging pumps be operable in MODES 1, 2, 3 and 4. The ACTION statement requires that if one charging pump is operable, that an additional charging pump must be restored to an operable status or the unit must be shut down. TS 3.0.4 prohibits entrance into

an operational MODE when the limiting condition for operation (LCO) is not met and the ACTION statement requires a shutdown. Similarly, TS 4.0.4 prohibits entry into an operational MODE if the Surveillance Requirement cannot be met. The proposed change would permit Millstone Unit 2 to enter MODE 4 as planned. Exigent action is justified in order to avoid an unnecessary delay in reactor startup.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards (SHC) consideration, which is presented below:

* * * The proposed changes do not involve a SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed technical specification change will require that a second charging pump be returned to service within four hours of entering MODE 4 or prior to entering MODE 3, whichever occurs first. The addition of the footnote indicating that Technical Specifications 3.0.4 and 4.0.4 are not applicable for entry into MODE 4 from MODE 5 will allow for the testing and subsequent return to service of a charging pump that was required to be inoperable in MODE 5. The testing is necessary to restore the pump to operable status.

The need to restrict charging pump availability in MODE 5 is for LTOP protection. The restriction contained in the Technical Specification 3.1.2.4 to have a maximum of two charging pumps operable when the RCS [reactor coolant system] is less than 300°F is provided for the boron dilution analysis. Maximizing charging pump flow is desirable from shutdown risk management schemes. However, all three events, LTOP [low-temperature overpressure protection], boron dilution, and shutdown risk management must be integrated to maximize overall safety. The short (less than 4 hours) delay in verifying the operability of the

second charging pump after entry into MODE 4 does not significantly affect the overall risk. The technical specification as proposed, balances all three events and will allow the plant to operate.

The addition of the proposed footnote to Technical Specification 3.1.2.4 will not significantly increase the probability or consequences of an accident previously evaluated. The charging systems safety related functions are not being impacted by the proposed change.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not alter or affect the design, function, failure MODE, or operation of the plant. The proposed change will allow NNECO to perform the required operability tests to support the restoration of a charging pump to an operable status.

3. Involve a significant reduction in a margin of safety.

The proposed modification will allow for the restoration of a second charging pump to support plant operation in MODES 1, 2, 3, and 4. Testing of the charging pump is necessary to verify operability of the pump. Sufficient flow is provided by the remaining available pumps to address shutdown risk issues. This proposed change will not negatively impact the LTOP evaluation or boron dilution analysis.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom

of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 1, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible

effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the

Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee, Director, Project Directorate I-3: Petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ms. L.M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270 for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 24, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room, located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

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

For the Nuclear Regulatory Commission.
Guy S. Vissing,
Senior Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.
 [FR Doc. 95-10726 Filed 5-1-95; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 030-31765, License No. 37-28540-01, EA 94-006]

Oncology Services Corp., Harrisburg, PA; Order Imposing Civil Monetary Penalties

I

Oncology Services Corporation (Licensee) was the holder of Byproduct Materials License No. 37-28540-01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) on August 3, 1990. The License authorized the Licensee to possess and use certain byproduct materials in accordance with the conditions specified therein at six facilities in Pennsylvania. The License was due to expire on August 31, 1995. However, on December 13, 1993, the Licensee requested termination of the License, with the License to be replaced by individual licenses issued to the facilities named as locations of use on the License. On August 24, 1994, License No. 37-28540-01 was terminated, and the NRC subsequently issued separate licenses for the following facilities previously named as locations of use under License No. 37-28540-01: Greater Pittsburgh Cancer Center (License No. 37-30163-01); Mahoning Valley Cancer Center (License No. 37-30086-01); Stoneboro Oncology Associates, P.C. (License No. 37-30092-01); Greater Harrisburg Cancer Center (License No. 37-30084-01); Indiana Regional Cancer Center (License No. 37-28179-02); and Exton Cancer Center (License No. 37-30087-01). In addition, a license was issued to Jefferson Radiation Oncology Center (License No. 37-30085-01).

II

An inspection of the Licensee's activities at its facilities located in Indiana, Pennsylvania and Pittsburgh, Pennsylvania was conducted on December 3-18, 1992, by an NRC Incident Investigation Team, following an event involving the Indiana, Pennsylvania facility in which there was a significant misadministration to a patient who died five days later, and significant radiological exposures to members of the public. In addition, NRC Region I performed an inspection on December 8, 1992, at the Licensee's

Exton and Lehigh, Pennsylvania facilities. The results of these inspections indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was served upon the Licensee by letter dated May 31, 1994. The Notice states the nature of the violations, the provisions of the NRC requirements that the Licensee had violated, and the amount of the civil penalties proposed for the violations.

The Licensee responded to the Notice in letters dated August 31, 1994 and October 4, 1994. In its responses, the Licensee admits Violations III.C.2, III.D.5, III.E. III.F, and III.I; denies Violations I.A, I.B, II.A, II.B, III.A, III.B, III.C.1, III.D.1-4, III.D.6, III.G, III.H, and III.J.1-3 protests the amount of civil penalties proposed; and requests mitigation of the penalties, as appropriate.

III

After consideration of the Licensee's responses and the statements of fact, explanation, and argument 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 penalties proposed for the violations designated in the Notice 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:*

The Licensee pay civil penalties in the cumulative amount of \$280,000 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, Maryland 20852-2738.

V

The Licensee may request a hearing within 30 days 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 the Licensee 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 the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in Violations I.A, I.B, II.A, II.B, III.A, III.B, III.C.1, III.D.1-4, III.D.6, III.G, III.H, and III.J.1-3 of the Notice referenced in Section II above, and

(b) Whether, on the basis of such violations and the additional violations set forth in the Notice of Violation that the Licensee admitted, this Order should be sustained.

Dated at Rockville, Maryland this 24th day of April 1995.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix—Evaluations and Conclusion

On May 31, 1994, a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was issued for violations identified during NRC inspections (including an Incident Investigation Team (IIT) inspection) at several Oncology Services Corporation (Licensee) facilities. The Licensee responded to the Notice on August 31, 1994 and October 4, 1994. The Licensee admitted Violations III.C.2, III.D.5, III.E, III.F, and III.I; denied Violations I.A, I.B, II.A, II.B, III.A, III.B, III.C.1, III.D.1-4, III.D.6, III.G, III.H, and III.J.1-3; and requested remission of the civil penalties. The NRC's evaluation and conclusion regarding the Licensee's requests are as follows:

Restatement of Violations in Section I of the Notice

I. A. 10 CFR 20.201(b) requires that each Licensee make such surveys as may be necessary to comply with the requirements of 10 CFR Part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the