

"Whitewash" implies a deliberate act to conceal a fault or defect in an effort to exonerate or give the appearance of soundness. Although the NRC staff found that the IRT investigation and report were not complete in two areas and in regard to the definition of "visual damage," the NRC did not find evidence of a deliberate effort on the part of NU to conceal a defect or falsify records. Thus the NRC does not consider the IRT report as a "whitewash."

NRC Inspection Report 50-423/92-24 dated January 12, 1993, discusses the second investigation. This investigation evolved as a result of the NRC inspection findings on the IRT report concerning the effectiveness of NU's and SWEC's receipt inspection programs. It also was a result of a CAR initiated on April 27, 1992, as a result of several NCRs issued by the Petitioner. The CAR was initiated because a significant amount of bolting material had been transferred from SWEC quality assurance stock to NU and green tagged without proper receipt inspection and because there was a question about the SWEC receipt inspection program. NUNU initiated the CAR to resolve these concerns. The purpose of the CAR was to provide reasonable assurance that, under SWEC's quality assurance program for Category I, non-engineered items, nonconforming items were identified and were prevented from being installed at Millstone Unit 3. To accomplish this, UN reviewed SWEC's program for establishing purchase order and receipt inspections requirements. NU concluded that appropriate procedures existed to ensure the quality of Category I, non-engineered items. To review the implementation of the procedures, NU reviewed approximately 4500 receipt inspection reports (RIRs) and selected for detailed review 1000 that identified nonconforming conditions. From this review, NU concluded in closeout documents that SWEC's program was effective in ensuring the quality of Category I items.

The NRC staff reviewed a sample of RIRs and identified a small number of fasteners that were not inspected for specific attributes, such as the fabrication attribute or coating/preservatives, as required by Quality Assurance Directive (QAD) 7.7, "Receiving Inspection—General." With the exception of these discrepant bolts, there were no other accepted nonengineered items which have subsequently been found to be nonconforming. Therefore, it appeared that the SWEC's receipt inspection program had been effective.

The staff did note that NU had closed the CAR without adequately justifying

that SWEC receipt inspections had been conducted in accordance with quality assurance program requirements. The licensee's review of these concerns identified that SWEC inspections for non-engineered items relied heavily on the experience of the inspector and did not strictly follow QAD 7.7. Specifically, the receipt inspector would decide what needed to be inspected by review of procurement documents. The inspector conducted the inspections and documented the results on a generic checklist. Therefore, any required attribute could have been inspected and documented in another attribute of the inspector's choice.

Considering the extensive effort by NU to resolve this issue and in spite of the deficiencies noted during the NRC inspection, the NRC staff could find no information that suggested a deliberate effort on the part of NU to conceal a defect or falsify records. Thus, the NRC staff does not consider the closeout of the CAR as a "whitewash."

III. Conclusion

The institution of proceeding 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 the Haddam Neck Plant and Millstone Nuclear Power Station, Units 1, 2, and 3 that would require initiation of formal enforcement action. In particular, safety issues related to the Petitioner's allegations concerning discrepant fasteners were resolved by either removing those fasteners from stores or determining that they were functionally adequate. Therefore, no enforcement action is being taken in this matter.

Although the concerns raised did not warrant the action requested in the Petition, the Petitioner's initiative has led to improvements in the procurement receipt inspection program for the Haddam Neck Plant and the Millstone Nuclear Power Station.

Current inspection plans call for continued NRC inspection effort in this programmatic area for the Haddam Neck Plant and Millstone Units 1, 2, and 3 to

ensure compliance with current requirements.

The Petitioner's request for action pursuant to 10 CFR 2.206 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 31st day of May 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-13766 Filed 6-5-95; 8:45 am]

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Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is a proposed Revision 1 to Regulatory Guide 1.152, and it is temporarily identified as DG-1039, "Criteria for Digital Computers in Safety Systems of Nuclear Power Plants." The guide will be in Division 1, "Power Reactors." This regulatory guide is being revised to provide current guidance on methods acceptable to the NRC staff for promoting high functional reliability and design quality for the use of digital computers in safety systems of nuclear power plants. The term "computer" is used here has a system that includes computer hardware, software, firmware, and interfaces. This guide endorses the Institute of Electrical and Electronics Engineers Standard Std. 7-4.3.2-1993, "Standard Criteria for Digital Computers in Safety Systems of Nuclear Power Generating Stations."

The draft guide has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted 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. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by July 31, 1995.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1-800-303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FedWorld, consult the "Help/Information Center" from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703-321-3339, or by using Telnet via Internet, fedworld.gov. If using 703-321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if

you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301)415-5780; e-mail AXD3@nrc.gov. For more information on this draft regulatory guide, contact S.K. Aggarwal at the NRC, telephone (301)415-6005; e-mail SKA@nrc.gov.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section; or by fax at (301)415-2260. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

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

For the Nuclear Regulatory Commission.

Lawrence C. Shao,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

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[Docket No. 30-31765-CivP, ASLBP No. 95-708-01-CivP]

Oncology Services Corporation, Harrisburg, Pennsylvania; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding:

Oncology Services Corporation, Harrisburg, Pennsylvania
Byproduct Materials License No. 37-28540-01, EA 94-006

This Board is being established pursuant to the request of the Licensee for a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, dated April 24, 1995, entitled "Order Imposing Civil Monetary Penalties" (60 Fed. Reg. 21560-69, April 24, 1995). The order directed the payment of penalties in the amount of \$280,000.

The designation of a time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board consists of the following Administrative Judges:

Judge G. Paul Bollwerk III, Chairman,
Atomic Safety and Licensing Board
Panel, U.S. Nuclear Regulatory
Commission, Washington, DC 20555
Judge George C. Anderson, 7719 Ridge
Drive NE., Seattle, Washington 98115
Judge A. Dixon Callihan, 400 Avinger
Lane, Apt. 408, Davidson, North
Carolina 28036.

Issued at Rockville, Maryland, this 30th day of May 1995.

James P. Gleason,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 95-13756 Filed 6-5-95; 8:45 am]

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[Docket No. 30-32493-CivP ASLBP No. 95-709-02-CivP]

Radiation Oncology Center at Marlton, Marlton, New Jersey; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700,