

“occupational dose.” Additionally, the Licensee notes that the incident occurred at the end of the film badge reporting period and there is no supportive evidence that all of the 90 mrem received by the worker was the direct result of the incident. Therefore, the Licensee maintains that there was no clear potential for a member of the public to receive more than 100 mrem to the whole body.

Finally, the Licensee notes that while the NRC’s March 13, 1998 Notice stated that the Licensee’s corrective actions were prompt and comprehensive, it was not clear whether credit for such actions was considered in assessing the amount of the civil penalty.

NRC’s Evaluation of the Licensee’s Response

The NRC does not dispute the Licensee’s contention that inappropriate handling by the carrier’s hazmat personnel may have contributed to the loss of control of radioactive material. At a minimum, proper action when the lid was found unattached could have minimized the amount of time that the radioactive material was uncontrolled. However, the carrier’s actions do not relieve the Licensee of its responsibility to ensure that each closure device on the radioactive materials package is properly installed and secure. Regardless of events that occurred after the package left the Licensee’s control, the Licensee’s failure to assure that the hasp on the lock was secure prior to shipment was the most probable cause of the loss of control of the radioactive material, and is considered a significant violation of NRC requirements.

In addition, the NRC does not dispute the Licensee’s position that hazmat employees are not considered members of the public. However, the NRC disagrees that there was no clear potential for a member of the public to receive more than 100 mrem to the whole body as a result of the Licensee’s failure to ensure that the lock on the package containing the sealed sources was properly installed and secure. The sources could have been lost at any time during the shipping process, such as on the aircraft or in the vehicle that were used to transport the package, and so the clear possibility existed that members of the public could have come in contact with the sources. Considering the configuration of the sources (the sealed sources were contained in approximately 4 inch long bolts) and the quantity of radioactive material in the package (the 3 sources contained 1, 18, and 100 millicuries of cesium-137 respectively), the NRC continues to conclude that there was a clear potential

for a member of the public to unknowingly come in contact with the sources and receive an exposure greater than 100 mrem to the whole body.

Example B.1 of Supplement V of the NRC’s Enforcement Policy provides that a “[f]ailure to meet transportation requirements that resulted in loss of control of radioactive material with a breach in package integrity such that there was a clear potential for the member of the public to receive more than .1 rem [100 mrem] to the whole body” be considered as a Severity Level II violation. Therefore, the NRC maintains that the violation was appropriately classified at Severity Level II.

With regard to the Licensee’s argument concerning its corrective actions, as stated in our March 13, 1998 letter, credit was warranted for your corrective actions in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Had the Licensee not taken prompt and comprehensive corrective actions, a civil penalty of \$8,800 (twice the base amount) would have been proposed.

NRC Conclusion

The NRC has concluded that the Licensee did not provide a basis for reducing the Severity Level of the violation nor for reducing or withdrawing the civil penalty. Accordingly, a civil penalty in the amount of \$4,400 should be issued.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443-LA ASLBP No. 98-746-05-LA]

North Atlantic Energy Service Corporation; 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 §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission’s Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

North Atlantic Energy Service Corporation Seabrook Station Unit No. 1

This Board is being established pursuant to the request for hearing submitted by Robert A. Backus on behalf of the Seacoast Anti-Pollution League. The petition opposes the

issuance of a license amendment to North Atlantic Energy Service Corporation for Seabrook Station Unit No. 1 that would revise Technical Specifications on the frequency of steam generator inspections to accommodate a 24 month fuel cycle. A notice of the proposed amendment was published in the **Federal Register** at 63 FR 25101, 25113 (May 6, 1998).

The Board is comprised of the following administrative judges:

B. Paul Cotter, Jr., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
Linda W. Little, 5000 Hermitage Drive, Raleigh, NC 27612

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 C.F.R. § 2.701.

Issued at Rockville, Maryland, this 16th day of June 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-388]

Pennsylvania Power and Light Company; 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. NPF-22 issued to Pennsylvania Power and Light Company for operation of the Susquehanna Steam Electric Station (SSES), Unit 2 located in Luzerne County, Pennsylvania.

The proposed amendment would amend the Susquehanna Steam Electric Station’s Technical Specifications (TSs) to add notations to TSs 3.3.7.5, 3.4.2, and 4.4.2 that the acoustic monitor for safety relief valve (SRV) “J” may be inoperable beginning June 15, 1998, until the next unit shutdown of sufficient duration to allow for containment entry, not to exceed the ninth refueling and inspection outage (spring 1999).