request for comments and recommendations concerning the potential grantees within a period of thirty (30) days from the date of publication of this notice. Grants will become effective as early as January 1, 1996, and funds will be distributed as soon thereafter as possible, consistent with pending Congressional appropriations.

Merceria L. Ludgood,

Director, Office of Program Services.

[FR Doc. 95–29574 Filed 12–4–95; 8:45 am]

BILLING CODE 7050–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–30947; License No. 37–28331–01 EA 94–089]

Advacare Management Services, Inc., Bala Cynwyd, Pennsylvania; Order Imposing Civil Monetary Penalty

I

Advacare Management Services, Inc. (Licensee) is the holder of Materials License No. 37–28331–01 issued by the Nuclear Regulatory Commission (NRC or Commission), issued April 4, 1989, renewed most recently on May 9, 1994. The license authorizes the Licensee to possess and use byproduct material for diagnostic nuclear medicine studies in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on April 26–28, 1994. Subsequently, an investigation was conducted by the NRC Office of Investigations. The results of the inspection and investigation 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 Penalty (Notice) was served upon the Licensee by letter dated August 30, 1995. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in two letters, dated September 21, 1995. In its responses, the Licensee admits the violations as stated in the Notice, but requests mitigation of the civil penalty.

III

After consideration of the Licensee's response 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 and that the penalty 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 a civil penalty in the amount of $2,500 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 Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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, Pennsylvania 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:

Whether on the basis of the violations admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland, this 28th day of November 1995.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluations and Conclusion

On August 30, 1995 a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection and subsequent investigation by the NRC Office of Investigations. Advacare Management Services, Inc. (Licensee) responded to the Notice on September 21, 1995. The Licensee admitted the Violations, but requested mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

1. Summary of Licensee's Request for Mitigation

In its responses, the Licensee contends that mitigating circumstances were not fully considered by the NRC. In support of its contention, the Licensee noted the following:

a. A prior inspection at the Bala Cynwyd facility identified few items of non-compliance and thus provided a level of managerial assurance that the radiation protection/compliance program was acceptable.

b. The term ''promptly'', as used on page 3 of Mr. Martin's letter dated August 30, 1995, is clearly a subjective word. The Licensee stated that its audit reports were received in January 1994 and the NRC inspection was on April 26–28, 1994. The Licensee stated that it was in the process of correcting the multiple minor areas of non-compliance identified in the audits and although some of the corrections were not completed by April 1, 1994, the majority were corrected by the enforcement conference and by subsequent spot check inspections by Region I inspectors between the June 1994 enforcement conference and the time of the Licensee's responses. The Licensee contends that its response was, in fact, reasonably prompt.

Therefore, the licensee requests that the combination of these factors should result in a modification of the proposed civil penalty from $2,500 to $1,250.

The Licensee further noted that it recognized and self-identified material weaknesses in its radiation safety program and contracted a consultant medical radiation physicist to assist the RSO in correcting those weaknesses and that the correction process was in place at the time of the inspection.

2. NRC Evaluation of Licensee's Request for Mitigation

The fact that an inspection was conducted at the Bala Cynwyd facility, one of several Licensee facilities, and in which only a few items of noncompliance were noted, three years prior to the inspection conducted on April 26–28, 1994, does not alleviate the need for aggressive managerial oversight of the radiation safety program. In order to assure continued acceptable performance in the area of radiation safety, the Licensee is required to not only perform periodic audits of its radiation safety program in accordance with its commitments under the ALARA program, but in accordance with 10 CFR 35.23, through its Radiation Safety Officer (RSO) identify radiation safety problems, as well as initiate corrective actions and verify the implementation of those corrective actions.

Although the Licensee had corrected some of the individual violations identified by the NRC, it had not corrected the majority of

them by the Enforcement Conference. The day prior to that Conference, the Licensee submitted a lengthy letter addressing the violations and the status of corrective actions. The information in this letter was not completely accurate and at the Conference several corrections were requested. These corrections were later submitted by the Licensee. In addition, the NRC staff had questioned the RSO's ability to meet his responsibilities for the numerous facilities and Licensee management had indicated that it intended to request a separate license for a New Jersey facility in order to relieve the RSO of some responsibilities, but it had not yet done so. In addition, the Licensee did not consider the need to apply similar corrective actions at the other facilities covered by the license.

Although the Licensee had recognized that it had weaknesses in its program and had engaged a consultant to assist the RSO, and these actions led to eventual good comprehensive corrective action, they were not sufficiently prompt and comprehensive as of the time of the Enforcement Conference to provide a basis for mitigating the civil penalty.

3. NRC Conclusion

The NRC has concluded that the violations occurred as stated and an adequate basis for mitigation of the civil penalty was not provided by the licensee. Consequently, the proposed civil penalty in the amount of $2,500 should be imposed.

[FR Doc. 95–29539 Filed 12–4–95; 8:45 am]

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[Docket Nos. 50–413 and 50–414]

Duke Power Company, et al., Catawba Nuclear Station, Units 1 and 2; Correction to Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission published a Notice of Consideration of Issuance of Amendments in the Federal Register (60 FR 58109 dated November 24, 1995), to Duke Power Company, et al., for the Catawba Nuclear Station, Units 1 and 2. Correction is being made on page 58110, third column, last paragraph, first sentence; the 30-day notice period ending date should read ''By December 26, 1995, * * *'' instead of ''By December 18, 1995, * * *''

Dated at Rockville, Maryland, this 28th day of November 1995.

For the Nuclear Regulatory Commission.

Robert E. Martin,

Senior Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–29536 Filed 12–4–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–277 and 50–278]

Peco Energy Company; Notice of Consideration of Issuance of Amendments 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 Nos. DPR–44 and DPR–56 issued to the PECO Energy Company (the licensee) for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would revise surveillance requirements for the high pressure coolant injection and reactor core isolation cooling systems and would make an administrative change to Section 5.5.7 of the technical specifications to eliminate reference to a section which was previously eliminated.

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

The Commission has made a proposed determination 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 consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes will not alter assumptions relative to initiation and mitigation of analyzed events. These changes will not alter the operation of process variables, or SSC [system, structure or component] as described in the safety analysis. These changes do not involve any physical changes to plant SSC or the manner in which these SSC are operated, maintained, modified or inspected. Routine testing is not assumed to be an initiator of any analyzed event. The proposed changes will not alter the operation of equipment assumed to be available for the mitigation of accidents or transients by the plant safety analysis or licensing basis. These changes have been confirmed to ensure no previously evaluated accident has been adversely affected. The proposed lower test pressure for the HPCI [high pressure coolant injection] and RCIC [reactor core isolation cooling] system flow testing is consistent with the minimum EHC [electro-hydraulic control] pressure setpoint at which reactor power can be increased without the need to adjust the EHC pressure setpoint during operation in MODE 1. Increasing the lower test pressure from 920 psig to 940 psig does not impact when the performance of the test is required. The proposed upper test pressure for the HPCI and RCIC system flow testing is consistent with the Reactor Steam Dome Pressure Limit in Specification 3.4.10. Additionally, the HPCI and RCIC systems are both designed to provide adequate core cooling at reactor pressures from 150 psig to 1150 psig. SR [surveillance requirement] 3.5.1.8 and SR 3.5.3.3 still will require verifying HPCI and RCIC pumps can develop the required flow rates against system head corresponding to reactor pressure. Therefore, the proposed changes provide adequate assurance that the HPCI and RCIC systems will be maintained operable. In addition, these proposed changes eliminate the need to adjust reactor pressure from normally stable plant conditions to perform the test. As such, the probability of plant transients is expected to be reduced. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes do not alter the plant configuration (no new or different type of equipment will be installed or removed) and will not alter the method used by any system to perform its design function. The proposed changes do not allow plant operation in any mode that is not already evaluated in the SAR [safety analysis report]. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed changes do not involve a significant reduction in a margin of safety. The proposed change to the VFTP [ventilation filter test program] in Section 5.5.7 is administrative in nature and does not involve any technical changes. This proposed change will not reduce a margin of safety because it has no impact on any safety analysis assumptions. Because this change is administrative in nature, no question of safety is involved. The proposed changes also revise the upper and lower test pressure for the HPCI and RCIC system high pressure flow tests. These changes do not impact safety analysis assumptions or the ability of the HPCI and RCIC systems to perform their design functions. The HPCI and RCIC systems are designed to provide adequate core cooling at reactor pressures from 150 psig to 1150 psig. SR 3.5.1.8 and SR 3.5.3.3 still will require verifying HPCI and RCIC pumps can develop the required flow rates against system head corresponding to reactor pressure. The proposed lower test pressure for the HPCI and RCIC system flow testing is