

supervisor for their apparent violations of 10 CFR 50.7; (2) institute sanctions against his first line supervisor, NU, and the Millstone Unit 1 organization for engaging in deliberate misconduct in violation of 10 CFR 50.5; and (3) remove his first line supervisor from his position until a "satisfactory solution to the falsifying of nuclear documents" by this individual can be achieved. As grounds for these requests, the Petitioner asserts that (1) his first line supervisor willfully falsified nuclear documents in that he signed off on a surveillance of the gas turbine battery as having met acceptance criteria when the requirements had not been met; (2) he was "unjustly chastised" by his first line supervisor and department manager about absenteeism, and his department manager threatened him in a memorandum; and (3) the Unit 1 organization failed to enter into a four-day limiting condition for operation as required by technical specifications when the operations department was notified of the failed surveillance, in violation of 10 CFR 50.5. In addition, the Petitioner asserts that a number of violations occurred in 1992 and 1993 with regard to the emergency gas turbine battery, which have not been handled appropriately by the NRC and NU, and that the utility and NRC are engaged in an apparent "cover-up" of the problems.

By Petition dated January 5, 1995, the Petitioner requests that the NRC institute sanctions against his department manager, first line supervisor, and two coworkers for engaging in deliberate misconduct in violation of 10 CFR 50.5. The Petitioner also asserts that the NRC "desperately needs to conduct an investigation" of the procedure violations, and to audit the Unit 1 maintenance department measuring and test equipment (M&TE) folders to reveal widespread problems regarding noncompliance with this procedure. As grounds for this request, the Petitioner describes several examples of what he alleges have been violations of procedure WC-8, which requires that M&TE be signed out from and returned to a custodian.

By Petition dated January 8, 1995, the Petitioner requests that the NRC institute at least three sanctions against his department manager, and institute sanctions against his coworker and maintenance first line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5. As grounds for this request, the Petitioner alleges that on numerous occasions since January 1994, his department manager instructed his coworkers to shut off or turn down the volume on the site paging

system and site siren evacuation alarm in the Unit 1 maintenance shop, and his first line supervisor and coworker complied with this request, in violation of Technical Specification 6.8.1 and NUREG-0654.

The requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The requests have been referred to the Director of the Office of Nuclear Reactor Regulation.

Copies of the Petitions are available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC, and at the local public document room for Millstone Unit 1 located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Dated at Rockville, MD, this 23rd day of February 1995.

For the Nuclear Regulatory Commission.
William T. Russell,
Director, Office of the Nuclear Reactor Regulation.

[FR Doc. 95-5494 Filed 3-6-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-27 and License No. SNM-42 EA 94-169]

**Babcock and Wilcox Company,
Lynchburg, Virginia; Order Imposing
Civil Monetary Penalty**

I

Babcock and Wilcox Company (Licensee) is the holder of Special Nuclear Material (SNM) License No. SNM-42 issued by the Nuclear Regulatory Commission (NRC or Commission) on May 31, 1984. The license authorizes the Licensee to possess and use Special Nuclear Material in accordance with the conditions specified therein.

II

Inspections of the Licensee's activities were conducted on June 1-July 1, 1994, July 1-8, 1994, and July 1-August 9, 1994. 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 Penalty (Notice) was served upon the Licensee by letter dated October 21, 1994. 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 Violations I.A and I.B.

The Licensee responded to the Notice in two letters, both dated November 20, 1994. In its responses, the Licensee protested the proposed imposition of the civil penalty, disagreed with NRC statements concluding that the violations represented a Severity Level III problem, denied Violations I.B.1, I.B.2, and II.C, and disagreed with the application of the escalation and mitigation factors.

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 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 \$37,500 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, One White Flint North, 11555 Rockville Pike, Rockville, MD 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, DC 20555, with a copy to the Commission's Document Control Desk, Washington, DC 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 II, 101 Marietta Street, NW., Suite 2900, Atlanta, GA 30323.

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 the 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 set forth in Violations I.B.1 and I.B.2, as set forth in the Notice, and

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

Dated at Rockville, Maryland this 27th day of February 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 October 21, 1994, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during NRC inspections conducted on June 1–July 1, 1994, July 1–8, 1994, and July 1–August 9, 1994. Babcock and Wilcox Naval Nuclear Fuel Division (Licensee) responded to the Notice with a reply and an answer, both dated November 20, 1994. The Licensee admitted Violations I.A.1, I.A.2, II.A, and II.B, denied Violations I.B.1, I.B.2, and II.C, protested the proposed imposition of the civil penalty, disagreed with NRC statements concluding that the violations represented a Severity Level III problem, and disagreed with the application of the escalation and mitigation factors. The NRC's evaluations and conclusion regarding the Licensee's requests are as follows:

I. Evaluation of Violations Assessed a Civil Penalty

Restatement of Violation I.B.1

License Condition No. S-1 of SNM-42 requires that licensed material be used in accordance with statements, representations, and conditions contained in Sections I through IV of the application dated February 22, 1982, and supplements thereto.

Section III, Paragraph 2.0, of the application requires that the design of equipment and establishment of operating safety limits consider the pertinent process conditions and known modes of failure. Certain conditions may be deemed incredible if specifically excluded by experimental evidence or design considerations.

Section II, Paragraph 3.1, of the application states that the Change Review Board (CRB) reviews the effect on nuclear criticality safety, radiation protection, and other regulatory requirements of new and revised facilities, equipment and processes involving special nuclear material and ensures appropriate safety controls are considered.

Contrary to the above, pertinent process conditions and known modes of failure were not adequately considered in establishing operating safety controls or limits in that:

1. On June 7, 1990, the CRB reviewed and approved License Evaluation Request 89-155 based on a nuclear criticality safety analysis of acceptable material types, but failed to consider pertinent process conditions related

to the operation of the drum counter system that were not excluded by experimental evidence or design considerations. This resulted in a failure to accurately measure quantities of U-235 in 2-liter bottles.

Summary of Licensee's Response to Violation I.B.1

In its reply to the Notice, the Licensee denies that a violation occurred as stated. The Licensee states that its nuclear criticality safety (NCS) evaluation did consider pertinent process conditions and known modes of failure in establishing operating safety limits for the low-level dissolution process in Uranium Recovery, and that the Nuclear Licensing Board (NLB), now CRB, did review the effect on NCS from processing materials measured by the drum counter in low-level dissolution and did ensure that appropriate safety controls were considered. The Licensee states that its Licensee Evaluation Request 89-155 was submitted, evaluated, and approved *only* because of the drum counter measurement problem which resulted in the low-level dissolution NCS limit being exceeded in 1989 and that the *purpose* of the NCS evaluation and NLB review and approval was to consider the pertinent process conditions and known modes of failure identified by the 1989 problem. The Licensee also states that the violation statement that pertinent process conditions and known modes of failure were not considered cannot be true since these were *the only* issues that were considered.

The Licensee further suggests that the evaluation was adequate in that the LER requested approval of processing only certain material types in low-level dissolution based on drum count measurements and only those types were approved for processing based upon the information in the LER. Further, the Licensee states that none of these material types were inaccurately measured by the drum counter subsequent to the approval, and the processing of these material types did not result in NCS limit violations.

The Licensee states that the scope of the LER was the use of drum counter measurements to comply with NCS limits for low-level dissolution and that no restraints were placed on the measurement of materials when the LER was approved; rather, restraints were placed only on the use of the measurements. The Licensee states that restraints on measuring materials by drum counting would be inappropriate. The Licensee adds that the primary purpose of the drum counter is to measure materials for material control and accountability and that the accuracy of the drum counter measurements is not a safety issue unless the measurements are used to meet safety limits. The Licensee adds that the NLB appropriately prohibited the use of the measurements of certain material types to meet safety limits for low-level dissolution, but also appropriately did not prohibit the measurement of any materials using the drum counter.

NRC Evaluation of Licensee's Response to Violation I.B.1

The NRC does not agree with the Licensee's statements that the Licensee

considered pertinent process conditions and known modes of failure in establishing operating safety limits for the low-level dissolution process in Uranium Recovery and that the NLB reviewed the effect on NCS of the approval of processing materials measured by the drum counter in low-level dissolution. The Licensee was presented with a known mode of failure regarding a system that was used to demonstrate compliance with NCS limits. The known mode of failure was that the drum counter measurements could underestimate the amount of U-235 in a container.

The Licensee failed to consider pertinent process conditions such as scrap/waste generation, packaging, labeling, and storage that could affect the drum counter system's U-235 measurement accuracy and, therefore, did not ensure that pertinent and appropriate operating safety controls were considered to prevent the known failure. Thus, the review and approval of LER 89-155 was not considered adequate in establishing operating NCS controls or limits.

With respect to the Licensee's statement regarding the adequacy of its review of LER 89-155, the NRC notes that the review of the specific items in the single LER as presented may have been adequate for the very narrow and limited conditions of the LER presented; however, the license requires the Licensee to consider pertinent process conditions and known modes of failure in establishing NCS safety controls and limits and the Licensee failed to consider such conditions and known modes of failure.

The NRC agrees with the Licensee's statement that the primary purpose of using the drum counter is to measure materials for material control and accountability. However, in this case the Licensee was relying on the drum counter measurements to ensure that NCS limits were not exceeded. Given the nature of the Licensee's use of the measurements, the Licensee did fail to consider all failure modes that were not specifically excluded by experimental evidence or design considerations because, despite the Licensee's knowledge that drum counter measurements were inaccurate, such measurements were used for estimating quantities of U-235 in 2-liter bottles.

The NRC concludes that the Licensee did not provide bases to withdraw the violation; therefore, the violation occurred as stated.

Restatement of Violation I.B.2

License Condition No. S-1 of SNM-42 requires that licensed material be used in accordance with statements, representations, and conditions contained in Sections I through IV of the application dated February 22, 1982, and supplements thereto.

Section III, Paragraph 2.0, of the application requires that the design of equipment and establishment of operating safety limits consider the pertinent process conditions and known modes of failure. Certain conditions may be deemed incredible if specifically excluded by experimental evidence or design considerations.

Section II, Paragraph 3.1, of the application states that the Change Review Board (CRB) reviews the effect on nuclear criticality safety, radiation protection, and other

regulatory requirements of new and revised facilities, equipment and processes involving special nuclear material and ensures appropriate safety controls are considered. Contrary to the above, pertinent process conditions and known modes of failure were not adequately considered in establishing operating safety controls or limits in that:

2. From March 1989 through November 1990, the CRB reviewed drum counter evaluations that revealed measurement problems associated with material type and container fill level, but failed to establish requirements for remeasurement of materials previously measured by the drum counter and stored at the facility.

Summary of Licensee's Response to Violation I.B.2

In its reply to the Notice, the Licensee does not agree that this violation relates to the stated requirements. The Licensee further states that the need for remeasurement of materials in 1990 was neither a part of equipment design or the establishment of safety limits nor a part of the consideration of safety controls for low-level dissolution. The Licensee further states that the NLB is chartered to review and approve new or modified facilities, equipment, and processes and that it is not chartered to investigate safety problems or require actions to resolve safety problems. The Licensee maintains that the review and approval of changes to the low-level dissolution process did not impact the safety of material storage and, therefore, the need for remeasurement of material was not within the charter of the NLB.

The Licensee states that no information was presented to the NLB which indicated a need for remeasurement of scrap materials in storage. The Licensee states that the materials which were in storage and had not been acceptably measured were never identified during the evaluation, review, and approval process, and, therefore, there appeared to be no need for remeasurement.

The Licensee acknowledges that there were deficiencies related to the problems discussed, including the inaccurate measurements. However, the Licensee indicates that these deficiencies did not constitute the violation as stated.

NRC Evaluation of Licensee's Response to Violation I.B.2

The Licensee appears to take the wording of the violation out of context in that the Licensee has argued that the NLB is only responsible for considering information contained in LERs. The NLB, or another body of the Licensee's organization, should have established requirements for remeasurement of materials previously measured by the drum counter and stored at the facility. The Licensee's argument further heightens the NRC's concern as to whether the Licensee has an oversight organization that is charged with this responsibility. In addition, the argument points out that such narrow views are, in part, the reason for the Licensee's continued NCS problems (i.e., exceeding NCS limits). The license requires the Licensee to review the effect on NCS of new and revised processes involving special nuclear material (SNM) and to ensure that appropriate safety controls are considered.

During a review of revised drum counting processes, the NLB was presented with evidence that demonstrated problems existed which were associated with drum counter measurement accuracy. The NLB was, therefore, required to review the effect on NCS of items or processes that were using drum counter measurement results to demonstrate compliance with NCS limits. Such a review should have included drum counter measurement results or materials stored in 55-gallon drums used to demonstrate compliance with the NCS limit of 350 grams of U-235 per drum.

The NRC concludes that the Licensee did not provide bases to withdraw the violation; therefore, the violation occurred as stated.

II. Evaluation of Violation not assessed a Civil Penalty, Restatement of Violation II.C

License Condition No. S-1 of SNM-42 requires that licensed material be used in accordance with statements, representations, and conditions contained in Sections I through IV of the application dated February 22, 1982 and supplements thereto.

Section II, Paragraph 10.4 of the application requires the retention of records of Change Review Board (CRB) actions for the longer of either two years or six months after termination of the operation.

Contrary to the above, as of June 29, 1994, records associated with License Evaluation Request (LER) 89-124, which provided the basis for a CRB action on LER 89-155, approving the counting of partially-filled bottles on the drum counter (an operation that was currently being performed), were not retained and the operation had not been terminated.

Summary of Licensee's Response to Violation II.C

In its reply, the Licensee denies that the violation occurred as stated. The Licensee states that the NLB (now CRB) took no action with regard to LER 89-124 because it was withdrawn and no information associated with LER 89-124 formed a basis for any NLB action on LER 89-155.

NRC Evaluation of Licensee's Response to Violation II.C

The Licensee's license requires the retention of records of NLB actions. The LER 89-155 file contains a document which reads: "Subject: Low-Level Dissolving of Partial Containers, Reference: LER 89-124." This document states that the subject LER contained a description of all types of material normally processed in the low-level dissolvers and the means used to ensure nuclear safety while processing the various types of material. The document also states: "After a thorough review of all the material presented in the LER [89-124] it was *concluded* [emphasis added] by the Nuclear Licensing Board that processing of partial containers was not the main area of concern." Therefore, the NLB did consider information from LER 89-124 in its review of LER 89-155. However, the LER 89-155 file does not contain any of the material that was thoroughly reviewed and used as the basis for the NLB to conclude that processing of partial bottles was not the main area of concern in the approval of LER 89-155.

The NRC concludes that the Licensee did not provide bases to withdraw the violation; therefore, the violation occurred as stated.

III. Summary of Licensee's Request for Mitigation

In its answer to the Notice, the Licensee states that a civil penalty was proposed based on Violations I.A and I.B constituting, in the aggregate, a Severity Level III problem. The Licensee argues that since Violation I.B is not a violation, only Violation I.A. remains and no aggregation can occur; therefore, there is no basis for a civil penalty. The Licensee maintains that even if Violation I.B were a violation, sufficient basis does not exist for a civil penalty and that the statements in Violation I.B, if accurate, would be causes of Violation I.A. In addition, the Licensee believes aggregating a violation which may have occurred in 1990 with one which occurred in 1994 is inappropriate.

As to certain statements made in the Notice, the Licensee disagrees that there have been many examples of inadequate evaluations relating to known modes of failure, that it has had continued poor performance in the area of NCS, and that extensive management attention has not been directed toward identifying and correcting NCS problems. The Licensee indicates that the issues for which the civil penalty is being proposed were primarily caused by problems which predate most of its efforts and that it is applying significant attention and resources to strengthen its NCS program.

With respect to the application of escalation and mitigation factors the Licensee states that Violation I.A was not a self-disclosing event because if the operators had not compared the output values from the dissolvers to the mass limit and reported the limit violation, Violation I.A. would not have been known since there was no requirement to make such comparison. Further, the Licensee requests full mitigation because it showed enormous initiative in identifying the root causes, contrary to the NRC's Notice, which stated that the Licensee did not demonstrate initiative in identifying the root causes of the Violations I.A. and I.B, and because it developed long-term corrective actions in a timely manner. The Licensee also states that it suspended or severely restricted activities involving scrap and waste to prevent recurrence. The Licensee states that the September 23, 1994 report to the NRC addressed in detail why procedures, controls, and implementation were inadequate and did address corrective actions for the underlying problems revealed by the event. Additional information regarding other causes and corrective actions was provided to the NRC on November 16, 1994. Thus, based on all of its corrective actions, the Licensee indicates that a civil penalty is unwarranted. The Licensee also states that escalation of 100 percent for prior opportunity to identify is not warranted since it demonstrated that the February 1994 event did not provide opportunities for identification and that the March 1989 problem provided limited opportunities for this identification.

NRC Evaluation of Licensee's Request for Mitigation

With respect to the Licensee's argument that aggregating Violations I.A and I.B is inappropriate, the NRC concluded, as described above, that Violation I.B occurred as stated. The NRC determined that Violations I.A and I.B were related in that they have the same fundamental underlying cause and similar programmatic deficiencies, namely, the lack of management attention to NCS controls. Violation I.A involved exceeding a NCS limit. Violation I.B was issued for failure to consider process conditions and known modes of failure in the NCS analysis. These are two different issues in NCS controls and two different license requirements. Therefore, the NRC concludes both that aggregating Violations I.A and I.B as a Severity Level III was appropriate regardless of the time period between the two violations and that an escalated enforcement action was warranted.

With regard to the Licensee's disagreement with NRC statements, the NRC notes that there are 17 documented Licensee violations of NRC requirements involving NCS controls over the past two years. Despite these noted numerous weaknesses, the Licensee's NCS evaluations and analyses have not been adequately strengthened as evidenced by the failures described in NRC inspection reports 70-27/94-12, 94-15, and 94-16. These violations and other weaknesses clearly represent continued poor performance and inadequate management attention because the Licensee has not sufficiently improved its performance over the past two years to prevent recurring problems in the area of NCS. Furthermore, the Licensee's argument regarding the function of the NLB is narrow and does not support the Licensee's statements that extensive management attention has been placed in this area to ensure identification and correction of NCS problems. While the NRC acknowledges that some management attention has been directed toward identifying and correcting NCS problems, Licensee management must ensure that proper NCS controls and oversight are in place and are adhered to, and that NCS problems are thoroughly investigated to ensure that effective corrective actions are in place to prevent such problems from recurring or leading to other problems.

The NRC neither escalated nor mitigated for the identification factor because while the NRC recognizes that the Licensee identified Violation I.A, the Licensee should note that the NRC identified Violation I.B. In addition, Section VI of the Enforcement Policy states, in part, that a "self-disclosing" event as used in this policy statement means an event that is readily obvious by human observation * * * The Licensee's Chemical Processing operating procedures required operators to: compare the amount of U-235 added to the low-level dissolvers with the amount removed, determine if the difference between the two exceeded 40 percent and, if so, report such excessive differences to management. Also, the Licensee's NCS limits required the amount of U-235 in each low-level dissolver zone be limited to 350 grams. Because the license requires procedures and postings to

be followed and because doing so made the 350 gram limit violation readily obvious to human observation, the event was correctly categorized as self-disclosing.

Furthermore, Section VI of the Enforcement Policy also states, in part, that "The base civil penalty may also be mitigated up to 25% when the licensee identifies a violation resulting from a self-disclosing event where the licensee demonstrates initiative in identifying the root cause of the violation." While the NRC acknowledged that the Licensee identified inadequacies in procedures, controls, and implementation systems, the NRC maintains that the Licensee did not demonstrate initiative in identifying the root cause of the violations because its analysis did not ask or answer *why* these procedures, controls, and systems were inadequate and what should be done to prevent such recurrence. Specifically, NRC involvement was needed before acceptable corrective action was taken in that it was not until NRC requested and conducted a management meeting with the Licensee on August 3, 1994, that the Licensee agreed to evaluate the series of incidents that had been occurring in an attempt to uncover the underlying generic root cause(s).

With regard to the corrective action factor, the NRC acknowledged that the Licensee took some immediate corrective actions to stop operations of the low-level dissolver and formed an incident review team to review the event in detail and determine appropriate corrective actions. The NRC did give the Licensee credit for these corrective actions in that escalation for this factor was not applied. However, the NRC affirms that full mitigation for this factor is not warranted because: (1) The Licensee did not demonstrate initiative in identifying the root cause of the violations because NRC involvement was needed before adequate actions were taken; (2) the Licensee's initial long term corrective actions were not comprehensive; and (3) the Licensee's development of long term corrective actions was not timely.

As noted earlier, it was not until NRC requested and conducted a management meeting that the Licensee agreed to evaluate the series of incidents in an attempt to identify the root cause. The results of that evaluation were discussed in a management meeting on November 16, 1994, and were submitted by the Licensee on November 20, 1994, as an attachment to the Licensee's reply to the Notice. Furthermore, on July 8, 1994, as the NRC's Augmented Inspection Team discussed its findings with Licensee management, the Licensee was requested to submit a copy of its investigation team findings, including corrective actions, to the NRC. The Licensee stated that the report would be completed and made available to the NRC on or about August 5, 1994. However, the report was not completed and made available to the NRC until September 23, 1994, after the enforcement conference. During the enforcement conference, NRC asked the Licensee for a time schedule for implementing the corrective actions discussed by the Licensee at the conference. More than two months after the low-level dissolver event, the Licensee did not have long-term corrective action time schedules firmly in place.

Regarding the prior opportunity to identify factor, the NRC believes that effective corrective action, if taken, for events occurring in March 1989 and February 1994, which revealed weaknesses in the drum counter measurement system, could have prevented the June 1994 event. Specifically, if the Licensee had adequately reviewed the effect on NCS of items or processes that were using drum counter measurement results and implemented effective corrective actions, the June 1994 event could have been prevented. Following the March 1989 and February 1994 events, a formal incident review and root cause analysis were not performed and corrective actions were not taken. The NRC expects licensees to learn from their mistakes and implement adequate and effective corrective actions to prevent recurrence. In its answer to the Notice, the Licensee acknowledges that its corrective actions would have prevented the low-level dissolution violation had they been followed.

The NRC concludes that the escalation and mitigation factors were applied appropriately and in accordance with the Enforcement Policy.

NRC Conclusion

The NRC concludes that Violations I.B.1, I.B.2, and II.C occurred as stated, that Violations I.A and I.B were appropriately categorized as a Severity Level III problem, and that an adequate basis for mitigation of the proposed civil penalty was not provided by the Licensee. Consequently, the proposed civil penalty in the amount of \$37,500 should be imposed by Order.

[FR Doc. 95-5495 Filed 3-6-95; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Financial Management

Proposed Rescission of OMB Circular A-73

AGENCY: Office of Management and Budget, Office of Federal Financial Management.

ACTION: Notice of Proposed Rescission of OMB Circular A-73.

SUMMARY: Publication of OMB's intention to rescind Circular A-73.

FOR FURTHER INFORMATION CONTACT: Suzanne Murrin, OMB, Office of Federal Financial Management, (202) 395-6911.

Dated: February 28, 1995.

John B. Arthur,

Associate Director for Administration.

Office of Management and Budget

Rescission of OMB Circulars

AGENCY: Office of Management and Budget.

ACTION: Notice of Proposed Rescission of OMB Circular A-73.
