''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.

[FR Doc. 98–16645 Filed 6–22–98; 8:45 am]

BILLING CODE 7590–01–P

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.

[FR Doc. 98–16638 Filed 6–22–98; 8:45 am]

BILLING CODE 7590–01–P

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, 4.3.7.5, 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).

SSES Unit 2 is currently operating in Operation Condition 1 at 100% power. On June 13, 1998, at 1239 hours, the SSES Unit 2 control room personnel determined that the ''J'' SRV acoustic monitor was inoperable. They also determined that repair of this acoustic monitor would require unit shutdown and containment entry. The applicable TS action statements require this monitor to be restored to operable status or an initiation of a unit shutdown within 48 hours. The licensee sought and received, at 1145 hours on June 15, 1998, NRC's agreement to exercise its discretion to not enforce compliance with these TS shutdown requirements until this amendment could be processed. The licensee submitted this proposed license amendment on June 17, 1998. Therefore, the NRC staff has concluded that the licensee has made its best effort to make a timely application for this amendment and has not taken advantage of the exigent provisions of 10 CFR 50.91(a)(6).

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 consideration, which is presented below:

1. This proposal does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposal does not involve a significant increase in the probability or consequences of an accident previously evaluated. The acoustic monitors do not affect the operation of the safety/relief valves. The SRV safety-valve function (TS 3.4.2), safety-related ADS [automatic depressurization system] function (six selected valves—TS 3.5.1) and non-safety related automatic and manual relief functions are independent of the acoustic monitoring function. No failure or misoperation of the acoustic monitoring system can affect the ability of these valves to perform their design functions.

Failure of the acoustic monitoring system to actuate in the event of an actual valve actuation does not affect the consequences of that action. The consequences of an undetected SRV failure to close or to remain closed when desired or required are unacceptable; the purpose of the monitoring system is to increase the probability that a failure of the valve actuation mechanism is detected.

Operation without this detection system will not significantly increase vulnerability to an undetected, open SRV event. Operation without this detection system would also not create any condition where the reliability of the valve is reduced.

The SSES IPE [Individual Plant Examination] assigns a conservative 1% probability to the stuck open safety relief valve event. Susquehanna utilizes Crosby SRVs. This valve is specifically designed and specified for the intended function, and is operated and maintained in accordance with the requirements of the design. It is not experienced reliability problems that have occurred with other SRV designs. The lack of position monitoring will not affect the valve's ability to perform its intended operational and safety function.

Operation without the SRV acoustic monitor will not affect the plant response to the stuck open relief valve at power or hot shutdown conditions. The stuck open SRV transient as analyzed in the Design Assessment Report (DAR) indicates that the maximum pool transient temperature (185°F) does not approach the NUREG 0783 accepted limit (208°F bulk pool temperature). This is assured by using temperature data from SPOTMOS in accordance with off-normal procedure ON–283–001.

SRV tail pipe temperature rise above the alarm setpoint is a true indication of SRV actuation and a reliable indication of closure. Alarms generated by this sensor will alert the operator to the open SRV. The Suppression Pool Temperature Elements located closest to the ''J'' SRV discharge quencher will also indicate heat input to the pool from that line. Other indications can be used to infer an open relief valve and to confirm a closed valve (i.e. by demonstrating pressure integrity).

The probability of a Stuck Open SRV Event is not affected by the lack of position indication for the SRV. The ability to detect the stuck open SRV condition is adequately covered by the tail pipe temperature indication and secondary reactor vessel and steam cycle parameter indications, and will not result in an increase in the probability or consequences of an accident previously evaluated.

2. This proposal does not create the possibility of a new or different type of accident from any previously evaluated.

This proposal does not create the possibility of a new or different type of accident from any previously evaluated. The SRV Acoustic Monitor performs no control or active protective function other than indication. Failure or misoperation of this device will not cause an unanalyzed failure or misoperation of an engineered safety feature. Because of the diverse and redundant indication system described above, misoperation of this system will not cause the operator to take unanalyzed actions, nor will it cause the operator to commit errors of commission or omission, and as such will not create the possibility of a new or different type of accident.

3. This change does not involve a significant reduction in a margin of safety.

This change does not involve a significant reduction in a margin of safety. Operating without the ''J'' SRV position indication does not reduce the design or operating basis margin of safety. Primary Containment controls are in place that can effectively deal with the operating condition. In the unlikely event that the ''J'' SRV should cycle open and fail to fully close, sufficient indication would be available to identify and mitigate the occurrence. Thus, the proposed change does not involve a significant reduction in a margin of safety.

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 14 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 14-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 14-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 Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, 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 July 23, 1998, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701. 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 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 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney 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 17, 1998, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 18th day of June 1998.

For the Nuclear Regulatory Commission.

Victor Nerses,

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

[FR Doc. 98–16652 Filed 6–22–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498/499; License Nos. NPF–76, 80 EA 97–341]

STP Nuclear Operating Company; STP Nuclear Generating Station; Confirmatory Order Modifying License (Effective Immediately)

I

STP Nuclear Operating Company (STP or the Licensee) is an NRC Licensee and the holder of Facility Operating License Nos. NPF–76 and NPF–80, issued by the Nuclear Regulatory Commission (NRC or