approximately 50 percent greater than the prescribed dose.

The physician informed the patient of the misadministration both verbally and in writing. The licensee evaluated the consequences of the misadministration and determined that there would be no adverse health effects.

An NRC medical consultant evaluated the consequences of the misadministration and agreed with the licensee's conclusion.

Cause or Causes—The licensee failed to notice that the planned explant time documented in the final treatment plan did not represent the prescribed treatment time documented in the written directive. Also, the licensee's written directive/low dose rate brachytherapy log form, used to record events occurring during low dose rate brachytherapy treatments, did not contain a location to document the prescribed time for source removal.

Actions Taken To Prevent Recurrence

Licensee—The licensee revised its written directive/low dose rate brachytherapy log form to include documentation of the actual implantation time, and the time for the prescribed and actual removal of sources. Additionally, the revised form will include verification of such times by a licensee staff member.

NRC—NRC conducted an inspection and reviewed the circumstances surrounding the misadministration. NRC also retained a medical consultant to review the case. A Confirmatory Action Letter was issued which confirms that the licensee will verify that its authorized users meet training and experience requirements. A Notice of Violation was issued with five Severity Level IV violations.

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95–8 Medical Brachytherapy Misadministration at Providence Hospital in Southfield, Michigan

One of the AO reporting guidelines notes that a therapeutic exposure to any part of the body not scheduled to receive radiation can be considered an AO.

Date and Place—July 25, 1995; Providence Hospital; Southfield, Michigan.

Nature and Probable Consequences—A patient was prescribed a dose of 1230 centigray (cGy) (1230 rad) for a palliative manual brachytherapy treatment of the brain using an iridium-192 seed.

After implantation, confirmatory x-rays were taken but could not confirm the location of the seed and the treatment was terminated about 31 hours after implantation. The licensee determined that the seed was implanted about 4 centimeters (1.57 inches) from the intended treatment site of the brain. Consequently, the wrong treatment site received an unintended radiation dose of about 739 cGy (739 rad) and the tumor received only about 72 cGy (72 rad).

The licensee determined that no adverse health effects would result from the misadministration. An NRC medical consultant has reviewed the case but has not yet submitted a report to NRC. The licensee notified the referring physician and the patient about the misadministration.

Cause or Causes—The licensee said that the seed became detained at the elbow of the applicator during implantation and changed direction. The physician consequently encountered resistance while inserting the source and assumed that it reached the intended treatment site. A confirmatory x-ray taken at the time of insertion did not show the location of the source. (The licensee had used a fluoroscope [real time imaging] during simulation of the treatment, but a fluoroscope was not used to observe the actual seed implantation.)

Actions Taken To Prevent Recurrence

Licensee—The licensee reported that when using this type of applicator in the future, fluoroscopy will be used to assure proper implantation of radioactive material.

NRC—NRC conducted an investigation to review the circumstances surrounding the misadministration. The NRC staff is currently reviewing the inspection results for possible violations, and enforcement action is pending.

* * * * *

95–9 Ingestion of Radioactive Material by Research Workers at the National Institutes of Health in Bethesda, Maryland

One of the AO reporting guidelines notes that a moderate exposure to, or release of, radioactive material licensed by or otherwise regulated by the Commission can be an abnormal occurrence.

Date and Place—June 28, 1995; National Institutes of Health (NIH); Bethesda, Maryland.

Nature and Probable Consequences—A pregnant research employee became internally contaminated with phosphorus-32 (P–32) and was sent to a local hospital for treatment.

NRC formed an Augmented Inspection Team (AIT), which included a medical consultant, to review the incident. The medical consultant stated, based on the licensee's initial report, that there would not be any adverse health consequences to the researcher or the fetus. Also, an NRC scientific consultant at the Oak Ridge Institute for Science and Education's Radiation Internal Dose Information Center was consulted. An independent assessment was also performed by Lawrence Livermore National Laboratories.

The licensee subsequently found that 26 individuals (in addition to the pregnant researcher) were also contaminated. The Federal Bureau of Investigation (FBI), the NRC's Office of Investigations (OI), and the NIH Police Department are currently investigating the event. The AIT has concluded its inspection efforts. OI continues to work with the FBI.

Cause or Causes—Because of the ongoing investigation, NRC has not reached a final conclusion as to the cause of the event.

Actions Taken to Prevent Recurrence

Licensee—The licensee continues to investigate the incident. The licensee performed bioassay sampling to identify the isotope, calculate preliminary estimates of intake, and determine the scope of the contamination. In addition, the licensee will take actions to enhance security for handling radioactive materials.

NRC—In addition to forming an AIT, NRC subsequently conducted a special inspection to determine the effectiveness of NIH security over radioactive materials.

NRC also issued two Confirmatory Action Letters. The first confirmed the actions that the licensee would take to reduce the possibility of further ingestion and to determine the extent of the contamination. The second confirmed the actions that the licensee would take in response to the special inspection that reviewed the NIH security policy for handling radioactive materials.

* * * * *

Dated at Rockville, MD, this 20th day of February 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–4227 Filed 2–23–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–400]

Shearon Harris Nuclear Power Plant; 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–63, issued to the Carolina Power & Light Company (the licensee), for operation of the Shearon Harris Nuclear Power Plant located in Wake and Chatham Counties, North Carolina.

The proposed amendment would allow a one-time extension for the performance of the trip actuating device operational test for one of the safety injection manual initiation switches. Technical Specification (TS) 4.3.2.1, Engineered Safety Features Actuation System (ESFAS) Instrumentation, requires that each instrumentation channel and interlock and the automatic actuation logic and relays be demonstrated operable by performance of surveillance requirements specified in TS Table 4.3–2. Table 4.3–2, Item 1.a requires that a trip actuating device operational test be performed for Safety Injection (SI) manual initiation at least every 18 months. The licensee discovered on February 12, 1996, that only three of the four switch contacts have been tested in the required 18-month periodicity. The fourth switch contact was last tested on May 3, 1994. With the advent of the surveillance requirement grace period, this surveillance test for the fourth switch contact would have to be performed prior to March 16, 1996. However, this surveillance test cannot be performed at power. Therefore, the licensee is requesting a one-time extension of the surveillance test interval to avoid a plant shutdown. The exigent circumstances exist because the licensee did not discover the test discrepancy until February 12, 1996.

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:

This change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve any design or material changes to the plant. The change does not in any way affect the automatic ESFAS [Engineered Safety Features Actuation System] initiation; it only affects one of the two redundant switches. If one switch fails to function, operators can use the other switch. This change simply requests a one-time extension for the surveillance interval for one of two contacts from the manual Safety Injection [SI] switch on Main Control Board panel C. A redundant switch is available with two operable contacts on Main Control Board panel A.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not alter the performance of the Engineered Safety Features Actuation System. The proposed change does not involve any new equipment or modifications to existing plant equipment. Further, the change will not affect the manner in which any safety related systems perform their functions. Extension of the surveillance frequency of the manual SI actuation switch does not affect or create any new accident scenarios. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed change does not affect a margin of safety as defined in the Bases to the Technical Specifications. The automatic ESFAS is not affected by this one-time technical specification change. The change does not alter the setpoints for any plant parameters that initiate safety injection, nor does it alter any coincidental logic. Sufficient system functional capability is still available from diverse parameters.

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 15 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 15-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 15-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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, 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 March 27, 1996, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina. 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 a 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. Eugene V. Imbro: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, and to W.D. Johnson, Vice President and Senior counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina, 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 February 16, 1996, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina.

Dated at Rockville, Maryland, this 20th day of February 1996.

For the Nuclear Regulatory Commission.

Ngoc B. Le,

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–4225 Filed 2–23–96; 8:45 am]

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[Docket No. Part 110]

Notice of Receipt of Assurances From EURATOM Under Section 109B of the Atomic Energy Act

In the matter of general and specific licenses authorizing exports of nuclear reactor components, substances, and items under section 190b of the Atomic Energy Act to EURATOM.

By order issued December 28, 1995, effective January 1, 1996, the Nuclear Regulatory Commission (''Commission'') suspended general and specific licenses issued under Section 109b of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR Part 110, to export nuclear reactor components, substances, and items to EURATOM. The suspension was necessary due to the expiration on December 31, 1995 of the safeguards, peaceful use, and retransfer assurances required for such exports under Section 109b. The Commission suspended the licenses until such time that EURATOM provided the necessary assurances to the U.S. This notice is to inform section 109b specific and general licensees that, on February 16, 1996, the assurances required under Section 109b were received from EURATOM. On that date,