

whether workers were exposed to radiation in excess of NRC requirements. The Licensee's failure to use personnel monitoring devices also raises the question of whether the Licensee was exposed to radiation in excess of NRC requirements. Furthermore, the Licensee's failure to secure licensed material, as well as the transport of this material without proper packaging, without affixing proper labels, and without including accurate shipping papers, are of serious concern to the NRC.

The NRC must be able to rely on its Licensees to comply with NRC requirements. It is important that licensed material be used in accordance with the applicable requirements. The Licensee's deliberate, continued use of licensed material at an unauthorized location, the Licensee's failure to provide individual monitoring devices to personnel who assisted in the Licensee's use of licensed material, and the Licensee's failure to take the necessary action to correct the violation of NRC requirements previously cited in January 1992, demonstrate that the Licensee is either unwilling or unable to comply with NRC requirements. Given the safety significance of the identified violations and the deliberate nature of one of the violations, the NRC no longer has reasonable assurance that public health and safety will be protected.

Consequently, I lack the requisite reasonable assurance that the Licensee is willing and able to conduct operations under License No. 31-28369-01 in compliance with the Commission's requirements, and that the health and safety of the public will be protected. Therefore, the public health, safety and interest require that, pursuant to 10 CFR 2.103, the application for renewal of the License be denied and that the License be terminated.

IV

Accordingly, pursuant to sections 81, 161b, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.103, it is hereby ordered that the Application for renewal of License No. 31-28369-01 is denied and License No. 31-28369-01 is terminated.

V

In accordance with 10 CFR 2.103, the Licensee may request a hearing on this denial of license renewal within 20 days of the date of this denial. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director,

Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415.

If a hearing is requested by the Licensee, the Commission will issue an Order designating the time and place of the hearing. If a hearing is held, the issue to be considered at such hearing shall be whether, on the basis of NRC findings and violations described in Sections II and III of this Notice, denial of the application for renewal of the License should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV of this Order shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 1st day of May 1997.

Edward L. Jordan,

Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations and Enforcement.

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NUCLEAR REGULATORY COMMISSION

[IA-97-024]

Roy Sadovsky, D.V.M. Floral Park, New York; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Roy Sadovsky, D.V.M., (Licensee or Dr. Sadovsky) is the holder of Byproduct Nuclear Material License No. 31-28369-01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The License authorizes possession and use of licensed material (i.e., gold-198 seeds) for implantation in horses for the treatment of leg injuries and diseases in accordance with the conditions specified therein. Condition 10 of the License requires that licensed material be used only at the Meadowlands Race Track in East Rutherford, New Jersey, or Showplace Farm and Gaitway Farm in Millstone Township, New Jersey. The License, originally issued on December 22, 1989, was amended on January 10, 1992, and was due to expire on January 31, 1995. The license has remained in effect, however, pursuant to 10 CFR 30.36(a), based on a request made by the Licensee in an application for renewal filed on January 24, 1995.

II

As noted in a Notice of Denial of License Renewal and Order Terminating License issued to Dr. Sadovsky concurrently on this date, the NRC has found, based on an inspection and investigation, that Dr. Sadovsky has deliberately engaged in violations of NRC requirements, as detailed in the Notice of Denial of License Renewal And Order Terminating License. Notwithstanding the denial of Dr. Sadovsky's license renewal, given Dr. Sadovsky's deliberate failure to adhere to regulatory requirements, as well as the significance of additional violations of other requirements as set forth in the Notice of Denial of License Renewal and Order Terminating License, the NRC no longer has the necessary assurance that Dr. Sadovsky's activities, if performed under any other NRC license, would be performed safely and in accordance with requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Dr. Sadovsky were permitted at this

time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dr. Sadovsky be prohibited from any involvement in NRC-licensed activities for a period of one year from the date of this Order, and if he is currently involved with another licensee in NRC-licensed activities, he must immediately cease such activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer. Additionally, Dr. Sadovsky is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the willfulness and significance of Dr. Sadovsky's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

III

Accordingly, pursuant to sections 81, 151b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 30.10, Part 35, and 10 CFR 150.20, it is hereby ordered, immediately effective, that:

1. For a period of one year from the date of this Order, Roy Sadovsky, D.V.M., is prohibited from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in areas of NRC jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. For a period of one year from the date of this Order, Dr. Sadovsky shall provide a copy of this Order to any prospective employer who engages in NRC-licensed activities (as described in Section III.1 above) prior to his acceptance of employment involving non-NRC-licensed activities with such prospective employer. The purpose of this requirement is to ensure that the employer is aware of the prohibition on Dr. Sadovsky from engaging in NRC-licensed activities.

3. The first time Dr. Sadovsky is employed in NRC-licensed activities following the one year prohibition, he shall notify the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, prior to engaging in NRC-licensed activities, including activities under an Agreement State license when activities under that license are conducted in areas of NRC jurisdiction pursuant to 10 CFR 150.20. The notice shall include the name,

address, and telephone number of the NRC or Agreement State licensee and the location where licensed activities will be performed.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

IV

In accordance with 10 CFR 2.202, Dr. Sadovsky must, and any other person adversely affected by this Order may, submit an answer to this Order and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Dr. Sadovsky or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, to Dr. Sadovsky if the answer or hearing request is by a person other than Dr. Sadovsky. If a person other than Dr. Sadovsky requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Dr. Sadovsky, or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Dr. Sadovsky may, in addition to demanding a hearing, at the time the

answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 1st day of May 1997.

Edward L. Jordan,

Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations and Enforcement.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, Atlantic City Electric Company, Salem Nuclear Generating Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment for Facility Operating Licenses Nos. DPR-70 and DPR-75, issued to Public Service Electric and Gas Company (PSE&G, the licensee), for operation of the Salem Nuclear Generating Station, Units 1 and 2 (Salem Units 1 and 2).

The facility consists of two pressurized-water reactors located at the licensee's site in Salem County, New Jersey.

Environmental Assessment

Identification of Proposed Action

The proposed action would change Technical Specification (TS) 3.4.3, "Relief Valves," for Salem Unit 1, and TS 3.4.5, "Relief Valves," for Salem