

the Corporation will take the following immediate actions:

- a. Notify the Plant Shift Superintendent (PSS) of accumulator usage.
  - b. Begin tracking of quantities by using calculated withdrawal rates.
  - c. The PSS will initiate high priority actions for timely resolution of unscheduled outages.
  - d. The Cascade Coordinator will take actions to reduce tails downflow and/or product or tails withdrawal rates to minimize accumulator use as appropriate.
  - e. Notify the NRC.
3. If the calculated accumulator inventory reaches 4,000 lbs liquid UF<sub>6</sub> in C-310A or 10,000 lbs liquid UF<sub>6</sub> in C-315, flow of liquid UF<sub>6</sub> to the affected accumulator will be stopped immediately.

By letter dated March 11, 1998, the Corporation proposed to install seismic modifications to the equipment in Buildings C-310/310A and C-315 by September 30, 1998. Those seismic modifications will increase the seismic capacity of the equipment to withstand an earthquake producing a peak ground acceleration of 0.165 g.

I find that the Corporation's commitments to install the seismic modification within the proposed time frame and these administrative controls acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Corporation's commitments be confirmed by this Order. By letter dated, April 1, 1998, the Corporation consented to the issuance of this Order confirming its commitments, as described in Section IV below. The Corporation further agreed in that letter that this Order is to be effective upon issuance. Implementation of these commitments will minimize the available liquid UF<sub>6</sub> inventories that could be released in a seismic event and reduce the on-site and off-site consequences. Based upon the above and the Corporation's consent, this Order is immediately effective upon issuance.

#### IV

Accordingly, pursuant to sections 161b, 161i, 161o, and 1701 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 76, including specifically 10 CFR 76.70, *It is hereby ordered, effective immediately*, that certificate No. GDP-1 is modified as follows:

Condition 13 is added to the Certificate of Compliance GDP-1 to require that:

1. The Corporation will by no later than September 30, 1998, complete seismic modifications to the equipment containing liquid UF<sub>6</sub> in Buildings C-310/310A and C-315. Those seismic modifications will increase the seismic capacity of the equipment to withstand an earthquake producing a peak ground acceleration of 0.165 g.

2. Until such time as the above seismic modifications are completed, the following additional administrative controls shall be followed:

a. When flow of liquid UF<sub>6</sub> has been diverted to the on-line accumulator in C-310A or C-315 for greater than one hour (nominal 2,000 and 5,000 pounds (lbs) liquid UF<sub>6</sub> respectively at one hour), the Corporation will immediately:

i. Notify the Plant Shift Superintendent (PSS) of accumulator usage.

ii. Begin tracking of quantities by using calculated withdrawal rates.

iii. Ensure that the PSS will initiate high priority actions for timely resolution of unscheduled outages.

iv. Ensure that the Cascade Coordinator will take actions to reduce tails downflow and/or product or tails withdrawal rates to minimize accumulator use as appropriate.

v. Notify the NRC.

b. If the calculated accumulator inventory reaches 4,000 lbs liquid UF<sub>6</sub> in C-310A or 10,000 lbs liquid UF<sub>6</sub> in C-315, flow of liquid UF<sub>6</sub> to the affected accumulator will be stopped immediately.

c. Access to Buildings C-310/310A and C-315 will be limited to only those individuals essential to operations, inspections, or those personnel performing any modifications to fix the identified seismic failures.

The Director, Office of Enforcement, may, in writing, relax or rescind this Order upon demonstration by the Corporation of good cause.

#### V

Any person adversely affected by this Confirmatory Order, other than the Corporation, may submit a written response within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to respond. A request for extension of time must be made in writing to the Director, 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 response shall be

submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies of the response shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and to the Corporation.

In the absence of any response, or written approval of an extension of time in which to respond, 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 submitting a response has been approved, the provisions specified in Section IV shall be final when the extension expires if a response is not received. If a written response is received, the Commission may make a final decision or may adopt by order further procedures for consideration of the issues before making a final enforcement decision. Written responses shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 22nd day of April 1998.

**James Lieberman,**

*Director, Office of Enforcement.*

[FR Doc. 98-11506 Filed 4-29-98; 8:45 am]

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#### NUCLEAR REGULATORY COMMISSION

[Docket No. 030-34060; [License No. 52-25113-02; EA-98-183]

**In the Matter of José M. Colón Vaquer, M.D., Manatí Puerto Rico; Confirmatory Order Modifying License Effective Immediately**

#### I

At present, José M. Colón Vaquer, M.D. (Licensee) is the holder of NRC License No. 52-25113-02 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 35. The license authorizes the Licensee to possess and use a 125 millicurie (decay corrected to 91 millicurie) Strontium-90 (Sr-90) eye applicator for medical treatment of superficial eye conditions. The license was issued on March 28, 1997, and is due to expire on March 31, 2002. The Licensee first obtained license No. 52-25113-01 to possess and use a 125 millicurie Sr-90 eye applicator for medical treatment of superficial eye conditions on December

17, 1990. That license expired on November 30, 1995. Subsequently, the Licensee applied for a new license on January 31, 1996, which was issued as License No. 52-25113-02 on March 28, 1997.

## II

During a routine inspection on August 10, 1995 (inspection report No. 52-25113-01/95-01), the NRC identified violations regarding the failure to perform leak test of the sealed source as required by 10 CFR 35.59(b)(2) and the failure to perform a review of the Quality Management Program (QMP) as required by 10 CFR 35.32(b)(1). Moreover, the Licensee did not take actions to correct the violation within 30 days as required by the Notice of Violation dated August 10, 1995. Thus, the Licensee continued to be in violation of the cited requirements from the time they were identified on August 10, 1995, until the expiration of the license No. 52-25113-01, on November 30, 1995.

The NRC conducted a special inspection of the Licensee on March 2 and 5, 1998. The inspection examined activities conducted under the license with respect to the use of the Sr-90 eye applicator, proper calibration and decay correction of the surface dose rate for the Sr-90 eye applicator, and the implementation of the Quality Management Program (QMP). After identifying significant failures to comply with NRC requirements in these areas, the scope of the inspection was expanded to address radiation safety and compliance with other NRC regulations and the conditions of the license.

During the inspection, the inspectors identified two misadministrations resulting from treatments using the Sr-90 eye applicator. These were brought to the Licensee's attention during the inspection. One misadministration occurred when 1500 centigrays (cGy) (1500 rads) was administered when 1000 cGy (1000 rads) was intended, and the other involved the administration of 1000 cGy (1000 rads) when 1500 cGy (1500 rads) was intended.

Based on the results of this inspection, 10 violations were identified. The violations involved: (1) The failure to use written directives on multiple occasions as required by 10 CFR 35.32(a)(1); (2) the failure to have a written procedure to ensure that final treatment plans and related calculations (exposure time) were in accordance with written directives as required by 10 CFR 35.32(a)(3); (3) the failure to limit activities involving byproduct material to those related to decommissioning

following the expiration of license No. 52-25113-01 as required by 10 CFR 30.36(c); (4) the failure to control and maintain under constant surveillance licensed material as required by 10 CFR 20.1801; (5) the failure to perform annual reviews of the radiation protection program as required by 10 CFR 20.1101(c); (6) the failure to test a brachytherapy source for leakage as required by 10 CFR 35.59(b)(2) (this is a repeat violation); (7) the failure to perform brachytherapy surveys quarterly as required by 10 CFR 35.59(h); (8) the failure to issue personnel dosimetry monitoring as required by condition 17 of license No. 52-25113-02; (9) the failure to record brachytherapy source inventories as required by 10 CFR 35.59(g); and (10) the failure to post copies of the current license and NRC regulations as required by 10 CFR 19.11(a) and (b).

The NRC is concerned that following telephonic notification by the NRC on December 1, 1995, that the license No. 52-25113-01 had expired and that licensed material needed to be placed in safe storage until a new license was granted, the Licensee continued to use the licensed material until a new license No. 52-25113-02 was received on March 28, 1997. In addition, the violations identified in 1995 and the number and scope of the violations identified during the March 2 and 5, 1998, inspection reflect current inadequate control over the safe use of licensed material and a significant breakdown in the radiation safety program and QMP. Collectively, these findings indicate a lack of regard or carelessness toward licensed activities.

The Licensee met with NRC inspectors during the inspection exit meeting at the Licensee's facility on March 5, 1998, to review the findings of the inspection. During the inspection exit meeting, the Licensee discussed his intentions to cease use of the Sr-90 eye applicator and to place it in safe storage. The Licensee agreed to submit these proposals to the NRC in writing.

## III

By letter dated March 6, 1998, the Licensee indicated that, effective immediately and until it is determined otherwise:

1. All use of the Sr-90 eye applicator will cease; and
2. The Sr-90 eye applicator will be placed in locked safe storage.

On April 16, 1998, the Licensee consented in writing to the issuance of this Order and its provisions, as described in Section IV below. The Licensee further agreed in its letter of April 16, 1998, that this Order is to be

effective upon issuance and that he has waived his right to a hearing. Implementation of these commitments will provide enhanced assurance that licensed material will remain secure and in safe storage pending completion of satisfactory corrective actions and resolution of the identified enforcement issues.

I find that the Licensee's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above and the Licensee's consent, this Order is immediately effective upon issuance.

## IV

Accordingly, pursuant to Sections 81, 161b, 161i, 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 Part 30 and 35, it is hereby ordered, effective immediately, that, pending further action by the NRC, License No. 52-25113-02 is modified as follows:

1. The Licensee shall discontinue all uses of the Sr-90 eye applicator.
2. The licensee shall place the Sr-90 eye applicator in locked safe storage until further Order of the Commission.

The Regional Administrator, Region II, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

## V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. 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. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region II, Atlanta Federal Center, 23T85, 61 Forsyth Street, S.W., Atlanta, GA 30303-3415, and to the Licensee. If such

a person requests a hearing, that person shall set forth with particularity the manner in which his 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 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 Confirmatory Order 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 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.*

Dated at Rockville, Maryland, this 21st day of April 1998.

For the Nuclear Regulatory Commission.

**James Lieberman,**

*Director, Office of Enforcement.*

[FR Doc. 98-11503 Filed 4-29-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213, License No. DPR-61]

### Connecticut Yankee Atomic Power Company; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by petition dated March 13, 1998, Citizens Awareness Network Inc., has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Haddam Neck plant. Petitioner requests that NRC immediately suspend the licensee's operating license.

As the basis for this request, the petitioner states that the licensee has failed to adequately exercise radiological controls. The petitioner further states that the licensee's proposal to cool the spent fuel pool by ventilating the spent fuel storage building with ambient air through doors and roof hatches, in the event that the new spent fuel pool cooling system is unavailable, would constitute an

unmonitored and unplanned release of radiation into the environment.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. A copy of this petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 22nd day of April 1998.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-11505 Filed 4-29-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-199]

### Notice of Application for Decommissioning Amendment Manhattan College; Zero Power Research Reactor

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application from Manhattan College dated January 12, 1998, for a license amendment approving the decommissioning plan for the Manhattan College Zero Power Reactor (Facility License No. R-94) located in the Leo Engineering Building, two blocks from the Manhattan College Campus in Riverdale, New York.

A copy of the application is available for public inspection at the Commission's Public Document Room, the Gelman Building, at 2120 L Street, NW., Washington, DC 20037.

Dated at Rockville, Maryland, this 22nd day of April 1998.

For the Nuclear Regulatory Commission.

**Seymour H. Weiss,**

*Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-11504 Filed 4-29-98; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request for Reclearance of an Information Collection: SF 3106 and SF 3106A

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of an information collection. SF 3106, Application for Refund of Retirement Deductions, and SF 3106A, Current/Former Spouse's Notification of Application for Refund of Retirement Deductions, are used by former Federal employees who contributed to the Federal Employee's Retirement System to receive a refund of retirement deductions and any other money to their credit in the Retirement fund.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

There are approximately 81,000 respondents for the SF 3106 and 40,500 respondents for the SF 3106A. It takes approximately 27 minutes to complete SF 3106 and 6 minutes to complete SF 3106A. The annual burden for SF 3106 is 36,450 and 4,050 for the SF 3106A.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to jmfarron@opm.gov

**DATES:** Comments on this proposal should be received on or before June 29, 1998.

**ADDRESSES:** Send or deliver comments to—John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

### FOR INFORMATION REGARDING

**ADMINISTRATIVE COORDINATION—CONTACT:** Mary Beth Smith-Toomey, Budget & Administrative Services Division, (202) 606-0623.