

NUCLEAR REGULATORY COMMISSION

[Docket No. 040-8724, License No. SUB-1357 EA 93-271]

In the Matter of Chemetron Corporation, Delray, Florida; Order Imposing Civil Monetary Penalty

I

Chemetron Corporation (Licensee) is the holder of License No. SUB-1357 issued by the Nuclear Regulatory Commission (NRC or Commission) on June 12, 1979. The license authorizes the Licensee to possess depleted uranium-contaminated wastes at its facility located at 2910 Harvard Avenue in Cuyahoga Heights, Ohio, and at the McGean-Rohco property located between 28th and 29th Streets at Bert Avenue, Newburgh Heights, Ohio, in accordance with the conditions specified therein.

II

A review of the remediation plan submitted by the Licensee on October 1, 1993, revealed 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 May 11, 1994. The Notice states the nature of the violation, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the notice in letters dated June 9 and September 9, 1994. In its responses, the Licensee restated the events concerning the violation, including the fact that three sections of the remediation plan were not submitted by the required date, asserted errors in the Notice, and set out what it considered extenuating circumstances.

III

After consideration of the Licensee's response 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 violation occurred as stated and that the penalty proposed for the violation 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 \$10,000 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 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. 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. 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, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 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 III, 801 Warrenville Rd., Lisle, Illinois 60532-4351.

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 this Order (or if written approval of an extension of time in which to request a hearing has not been granted), 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 as set forth in the Notice referenced in Section II above, and
- (b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Rockville, Maryland this 28th day of July 1997.

For the Nuclear Regulatory Commission,
James Lieberman,
Director, Office of Enforcement.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Company; Point Beach Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

Environmental Assessment*Identification of the Proposed Action*

The proposed action would revise (1) Section 3.A of Facility Operating Licenses DPR-24 and DPR-27 from a licensed power level of 1518 megawatts thermal (MWt) to 1518.5 MWt; (2) technical specification (TS) 15.3.1.B Bases power level from 1518 MWt to 1518.5 MWt; and (3) TS 15.3.1.B Bases reference 2 from revision 2 to revision 3. These changes make the value of the licensed power level listed in Section 3.A of the licenses and in the Units 1 and 2 bases of TS 15.3.1.B consistent with the value listed in the balance of the TS and in the final safety analysis report (FSAR). The changes are administrative and do not change plant design or operation.

The proposed action is in accordance with the licensee's application for amendment dated August 22, 1996, as supplemented by letter dated July 14, 1997.

The Need for the Proposed Action

The proposed action would revise the power level included in Facility Operating Licenses DPR-24 and DPR-27 to restore consistency with the authorized power level defined in the TS and assumed in performing facility safety analyses.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed changes to the licenses and TS. According to the licensee, the administrative change in the licensed power level restores consistency between the licenses and the TS. The TS, as originally issued, defined the licensed power level as 1518.5 MWt. At no time has the power level defined in the TS been changed from 1518.5 MWt. Accident analyses performed in support of original