supervisor for their apparent violations of 10 CFR 50.7; (2) institute sanctions against his first line supervisor, NU, and the Millstone Unit 1 organization for engaging in deliberate misconduct in violation of 10 CFR 50.5; and (3) remove his first line supervisor from his position until a "satisfactory solution to the falsifying of nuclear documents" by this individual can be achieved. As grounds for these requests, the Petitioner asserts that (1) his first line supervisor willfully falsified nuclear documents in that he signed off on a surveillance of the gas turbine battery as having met acceptance criteria when the requirements had not been met; (2) he was "unjustly chastised" by his first line supervisor and department manager about absenteeism, and his department manager threatened him in a memorandum; and (3) the Unit 1 organization failed to enter into a fourday limiting condition for operation as required by technical specifications when the operations department was notified of the failed surveillance, in violation of 10 CFR 50.5. In addition, the Petitioner asserts that a number of violations occurred in 1992 and 1993 with regard to the emergency gas turbine battery, which have not been handled appropriately by the NRC and NU, and that the utility and NRC are engaged in an apparent "cover-up" of the problems.

By Petition dated January 5, 1995, the Petitioner requests that the NRC institute sanctions against his department manager, first line supervisor, and two coworkers for engaging in deliberate misconduct in violation of 10 CFR 50.5. The Petitioner also asserts that the NRC "desperately needs to conduct an investigation" of the procedure violations, and to audit the Unit 1 maintenance department measuring and test equipment (M&TE) folders to reveal widespread problems regarding noncompliance with this procedure. As grounds for this request, the Petitioner describes several examples of what he alleges have been violations of procedure WC-8, which requires that M&TE be signed out from and returned to a custodian.

By Petition dated January 8, 1995, the Petitioner requests that the NRC institute at least three sanctions against his department manager, and institute sanctions against his coworker and maintenance first line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5. As grounds for this request, the Petitioner alleges that on numerous occasions since January 1994, his department manager instructed his coworkers to shut off or turn down the volume on the site paging

system and site siren evacuation alarm in the Unit 1 maintenance shop, and his first line supervisor and coworker complied with this request, in violation of Technical Specification 6.8.1 and NUREG-0654.

The requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The requests have been referred to the Director of the Office of Nuclear Reactor Regulation.

Copies of the Petitions are available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC, and at the local public document room for Millstone Unit 1 located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Dated at Rockville, MD, this 23rd day of February 1995.

For the Nuclear Regulatory Commission. William T. Russell,

Director, Office of the Nuclear Reactor Regulation.

[FR Doc. 95-5494 Filed 3-6-95; 8:45 am] BILLING CODE 7590-01-M

[Docket No. 70–27 and License No. SNM–42 EA 94–169]

Babcock and Wilcox Company, Lynchburg, Virginia; Order Imposing Civil Monetary Penalty

Ι

Babcock and Wilcox Company (Licensee) is the holder of Special Nuclear Material (SNM) License No. SNM–42 issued by the Nuclear Regulatory Commission (NRC or Commission) on May 31, 1984. The license authorizes the Licensee to possess and use Special Nuclear Material in accordance with the conditions specified therein.

П

Inspections of the Licensee's activities were conducted on June 1-July 1, 1994, July 1–8, 1994, and July 1—August 9, 1994. The results of these inspections indicated 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 October 21, 1994. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for Violations I.A and I.B.

The Licensee responded to the Notice in two letters, both dated November 20, 1994. In its responses, the Licensee protested the proposed imposition of the civil penalty, disagreed with NRC statements concluding that the violations represented a Severity Level III problem, denied Violations I.B.1, I.B.2, and II.C, and disagreed with the application of the escalation and mitigation factors.

TTT

After consideration of the Licensee's responses 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 violations occurred as stated and that the penalty proposed for the violations 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 \$37,500 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 Mr. 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. 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, DC 20555, with a copy to the Commission's Document Control Desk, Washington, DC 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 II, 101 Marietta Street, NW., Suite 2900, Atlanta, GA 30323.

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 the order, 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.