

Dated: April 14, 1997.

**Linda Allen-Benton,**

*Deputy Director, Division of Human Resource Management, Acting Committee Management Officer.*

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## NUCLEAR REGULATORY COMMISSION

### Termination of License SNM-145 for the Babcock & Wilcox Apollo Site and Release of the Property for Unrestricted Use

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of license termination.

**SUMMARY:** This notice is to advise the public of the U.S. Nuclear Regulatory Commission's decision to terminate License SNM-145 for the Babcock & Wilcox (B&W) Apollo, Pennsylvania, site and release the property for unrestricted use.

The Apollo facility was used for the manufacture of nuclear fuel under NRC License SNM-145, which was issued in December of 1957. The primary activity at the site was the conversion of uranium hexafluoride (UF<sub>6</sub>) into uranium dioxide (UO<sub>2</sub>). Operations at the site ceased in 1983 and decommissioning activities were completed in 1995.

Based on the results of NRC's inspections, Oak Ridge Institute for Science and Education's Confirmatory Surveys, B&W's Termination Surveys, and B&W's groundwater monitoring program results, the staff concludes that decommissioning activities are complete and the site is suitable to be released for unrestricted use.

**SUPPLEMENTARY INFORMATION:** The Apollo facility was used for the manufacture of nuclear fuel under NRC License SNM-145, which was issued in December of 1957. The primary activity at the site was the conversion of UF<sub>6</sub> into UO<sub>2</sub>.

The site is located on Warren Avenue in Apollo, Armstrong County, Pennsylvania, about 40 km (25 miles) east-northeast of Pittsburgh along the Kiskiminetas River. The Apollo site consisted of three areas: (1) The Main Facility containing the process buildings, laundry building, and parking lot, which were located between Warren Avenue and the river; (2) another industrial facility located next to the Main Facility, but not owned nor operated by B&W; and (3) the Apollo office building, which was located outside the restricted area, on the

opposite side of Warren Avenue. The site was located in a residential neighborhood with some privately owned houses within several hundred yards of the facility.

Atlantic Richfield Company (ARCO) was the operator of the site from 1967 to 1971. In 1971, ARCO sold its shares of Nuclear Material and Equipment Corporation (NUMEC) stock to B&W, who then operated the site from 1971 to the present. Low-level waste containing thorium and uranium was shipped for disposal at a number of locations, including the neighboring Parks Township Shallow Land Disposal Area, which is also listed on the Site Decommissioning Management Plan (SDMP) and is being assessed for remediation. Decommissioning of inactive portions of the facility began in 1978 and continued through 1995. The Apollo site was included on the SDMP because of the large quantity of building and soil contamination which was present on-site. All operations at the site ceased in 1983 and on August 30, 1991, B&W submitted a specific decommissioning plan to complete the final activities necessary to remediate the entire site to NRC requirements for unrestricted use. In a letter dated April 15, 1992, B&W requested that NRC terminate this license. The staff reviewed the decommissioning submittal and developed an Environmental Assessment (EA) to consider the impacts to the environment from the remediation of the site. The EA was published in the **Federal Register** on June 25, 1992, along with the staff's Finding of No Significant Impact and an opportunity for a hearing (57 FR 28539).

A request for a hearing was filed by petitioners on July 27, 1992, which cited 20 areas of concern about the amendment request. The petitioners submitted a supplement dated October 9, 1992, requesting an immediate cessation of site clean-up activities. Memorandum and Order LBP-92-31, dated November 12, 1992, denied the petitioners' request to cease clean-up activities. During the remainder of the proceedings, there were several requests for information from the presiding officer and several additional submittals by the participants. Then, in Memorandum and Order LBP-93-4, dated February 5, 1993, the judge denied the hearing request and terminated the proceedings.

Decommissioning activities at the site continued, and in 1995 the Apollo office building, the last major remaining structure on the site, was dismantled. The Apollo office building had been used for office space since the mid-1950s. Portions of the building had been

used for an analytical laboratory and to develop and manufacture calibration sources in the 1960s and early 1970s. Both laboratory operations had been terminated by 1972. NRC contracted with Oak Ridge Institute for Science and Education (ORISE) to perform several radiological surveys in 1993. Both B&W and the NRC regional inspector performed additional surveys. By letter dated September 7, 1994, NRC staff released the building for unrestricted use and removed it from License SNM-145. The building was then dismantled and returned to a green area.

B&W has completed decommissioning activities at the remainder of the site, which included: dismantlement of the main building; The removal or replacement of three sewer lines; remediation and reconstruction of the riverbank; and remediation of other contaminated areas. B&W removed over 22,000 m<sup>3</sup> (800,000 ft<sup>3</sup>) of contaminated soil and building rubble and disposed of it at Envirocare in Utah, and Barnwell in South Carolina. B&W submitted radiological survey data for each phase of remediation, which staff reviewed. NRC and ORISE performed several confirmatory radiological surveys during the period from 1992 to 1995. These surveys consisted of document and data reviews, gamma surface scans, exposure rate measurements, and soil, sediment, water, and miscellaneous sampling. The final surveys showed that the site meets NRC's criteria for unrestricted use.

Based on the results of NRC's inspections, ORISE's Confirmatory Surveys, B&W's Termination Surveys, and groundwater monitoring program results, the staff concludes that decommissioning activities are complete. The staff has informed the U.S. Environmental Protection Agency (EPA) of NRC's intent to release the Apollo site. In addition, in accordance with the recently issued Memorandum of Understanding with the Pennsylvania Department of Environmental Protection (PADEP), staff has also informed PADEP of NRC's intent to release the site. The staff is notifying B&W that remediation of the site is complete, that the site is suitable for unrestricted use, and that license SNM-145 is terminated.

**FOR FURTHER INFORMATION CONTACT:** Heather Astwood, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop T-7F-27, Washington, D.C., 20555, telephone (301) 415-5819.

Dated at Rockville, MD this 14th day of April 1997.

For the U. S. Nuclear Regulatory Commission.

**John W.N. Hickey,**

*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237 and 50-249]

### Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-19 and DPR-25, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of the Dresden Nuclear Power Station, Units 2 and 3, located in Grundy County, Illinois.

The proposed amendments would remove the Main Steam Line Radiation Monitor High scram and the Main Steam Line Tunnel Radiation High input to the Main Steam Line Isolation function requirement from the Technical Specifications (TS). The proposed changes are a result of a Boiling Water Reactor Owners Group (BWROG) initiative to minimize inadvertent scrams and Main Steam Isolation Valve closure due to erroneous radiation monitor actuation.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments requested involve 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:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because of the following:

This amendment request proposes to remove the existing [Main Steam Line Radiation Monitor] MSLRM scram and the MSLRM [Main Steam Line] MSL Valve closure signal. The purpose of the MSLRM High scram and the MSL Valve closure signal is to mitigate the radiological effects of a fuel element failure. These functions do not serve as initiators for any of the accidents evaluated in chapter 15 of the [Updated Final Safety Analysis Report] UFSAR. Removal of these functions will not increase the probability of any of the accidents previously evaluated.

The radiological effects of a [Control Rod Drop Accident] CRDA have been evaluated by the BWROG in their Safety Analysis Report NEDO-31400. The BWROG report was evaluated by the NRC and found acceptable by letter dated May 15, 1991. The NRC Safety Evaluation Report accepting the BWROG analysis required licensees to demonstrate that the assumptions of the BWROG analysis were bounding on their plants. ComEd's Dresden Station has evaluated the BWROG analysis for applicability on Dresden Units 2 and 3.

The BWROG analysis demonstrates that operation of Units 2 and 3 with the proposed amendment does not represent a significant increase in the consequences of a CRDA.

Therefore, operation of Dresden Units 2 and 3 under the proposed amendment does not represent a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

This amendment request proposes to remove the existing MSLRM High scram and the MSL Valve closure input from the MSL Tunnel Radiation High signal. Removal of these functions does not represent a change in operating parameters for Dresden Units 2 and 3. Removal of these functions does not add any additional hardware and does not represent any new failure modes. Operation of Dresden Units 2 and 3 under the proposed amendment does not create the possibility of a new or different type of accident previously evaluated.

(3) Involve a significant reduction in the margin of safety because:

The requested amendment proposes to eliminate the MSLRM High scram and the MSL Valve Closure input from the MSL Tunnel Radiation High signal. Operation under the proposed amendment will not change any plant operation parameters, nor any protective system setpoints other than removal of these functions. The BWROG Safety Analysis Report had demonstrated that the consequences of the CRDA without the MSLRM High scram and MSL Valve Closure signal from the MSL Tunnel Radiation monitor does not result in doses which are not well within guidelines of 10 CFR part 100 limits. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Guidance has been provided in "Final Procedures and Standards on No Significant

Hazards Considerations." Final Rule, 51 FR 7744, for the application of standards to license change requests for determination of the existence of significant hazards considerations. This document provides examples of amendments which are and are not considered likely to involve significant hazards considerations.

This proposed amendment does not involve any irreversible changes, a significant relaxation of the criteria used to establish safety limits, a significant relaxation of the bases for the limiting safety system settings or a significant relaxation of the bases for the limiting conditions for operations. Therefore, based on the guidance provided in the **Federal Register** and the criteria established in 10 CFR 50.92(c), the proposed change does not constitute a significant hazards consideration.

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 amendments requested involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, 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,