

Dated: January 11, 1999.

Janet Silva,

Acting Deputy Division Director, Division of Human Resource Management.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Company (Turkey Point Units 3 and 4); Exemption

I

Florida Power and Light Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-31 and DPR-41, which authorize operation of Turkey Point Units 3 and 4, respectively (the facility), at a steady-state reactor power level not in excess of 2300 megawatts thermal. The facility is a pressurized-water reactor located at the licensee's site in Dade County, Florida. The licenses require among other things that the facility comply with all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

In exemptions dated March 27, 1984, and August 12, 1987, concerning the requirements of Section III.G, Appendix R to 10 CFR Part 50, the NRC staff approved the use of 1-hour-rated fire barriers in lieu of 3-hour-rated fire barriers in certain outdoor areas at Turkey Point Units 3 and 4. In addition, the staff found that, for certain outdoor areas not protected by automatic fire detection and suppression systems, separation of cables and equipment and associated circuits of redundant trains by a horizontal distance of 20 feet free of intervening combustibles provided an acceptable level of fire safety.

On the basis of the results of the industry's Thermo-Lag fire endurance testing program, the licensee concluded that the outdoor Thermo-Lag fire barrier designs cannot achieve a 1-hour fire-resistive rating but can achieve a 30-minute fire-resistive rating when exposed to a test fire that follows the American Society for Testing and Materials Standard E-119 time-temperature curve. Because of these test results, the licensee in a letter dated June 15, 1994, requested an exemption to use 30-minute fire barriers for outdoor applications in lieu of the 1-hour-rated fire barriers previously approved; however, the licensee

withdrew the exemption request by letter dated June 28, 1996.

In a letter dated July 31, 1997, as supplemented on July 2, October 27, and December 9, 1998, the licensee requested an exemption from the requirements pertaining to the 3-hour-rated fire barriers required by Section III.G.2.a, Appendix R to 10 CFR Part 50, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117 in the turbine building. The licensee requested that the NRC approve the following fire protection schemes as alternatives to the protection required by Section III.G.2 of Appendix R to 10 CFR Part 50: (1) separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 91, 92, and 105 between column lines A and E-1 by a fire barrier having a minimum 1-hour fire resistive rating; (2) separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building fire zones 79 (partial), 84 (partial), 88 (partial), and 89 (partial) between column lines E-1 and Jc by a fire barrier having a minimum 25-minute fire resistive rating; and (3) separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building above the turbine operating deck, fire zone 117, by a fire barrier having a minimum 25-minute fire resistive rating. This request is based on the following: (1) for the turbine building between column lines A and E-1, automatic fixed water suppression systems would be provided for the major fire hazards (combustible sources) and the turbine lube oil equipment, and automatic wet pipe sprinkler protection would be provided for area coverage, including the turbine lube oil distribution piping locations as described in the enclosed safety evaluation; and (2) for the turbine building between column lines E-1 and Jc, an automatic wet pipe sprinkler protection would be provided.

III

The underlying purpose of Section III.G.2.a, Appendix R to 10 CFR Part 50, is to provide reasonable assurance that one safe-shutdown train and associated circuits used to achieve and maintain safe-shutdown are free of fire damage.

On the basis of the staff's supporting safety evaluation of the licensee's submittals, the staff concludes that the exemption from the requirements of Section III.G.2.a of Appendix R to 10

CFR Part 50, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117 as requested by the licensee, provides an adequate level of fire safety and presents no undue risk to public health and safety. In addition, the staff concludes that the underlying purpose of the rule is achieved.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. In addition, the Commission has determined that special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants Florida Power and Light Company an exemption from the requirements of Section III.G.2.a of Appendix R to 10 CFR Part 50, as requested in its previously-referenced submittals, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117, will not have a significant effect on the quality of the human environment (63 FR 65619).

This exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040-02384]

Finding of No Significant Impact Related To Amendment To Materials License SMB-602, RMI Titanium Company, Extrusion Plant, Ashtabula, Ohio

Approve Decommissioning Criterion for TC-99 in Soils

The U.S. Nuclear Regulatory Commission is considering a license amendment request submitted by RMI Environmental Services, A Division of

RMI Titanium Company (hereafter RMI or the licensee). The proposed action would (1) establish a concentration criterion for technetium-99 (Tc-99) in soil that would allow release of the licensee's extrusion plant site in Ashtabula, Ohio, for unrestricted use, (2) delete the license condition that requires documentation of Thorium-230 (Th-230) levels at the site, and (3) delete the license condition that requires additional financial assurance submittals.

On August 18, 1998, NRC published a Notice of Consideration of Amendment Request for Decommissioning the RMI Titanium Company Site in Ashtabula, Ohio, and Opportunity for Hearing (63 FR 44294). NRC did not receive any response to that notice.

Summary of the Environmental Assessment

Background

NRC approved RMI's decommissioning plan on September 11, 1997 (License Amendment No. 8 to License SMB-602, hereafter decommissioning license). To support NRC issuance of RMI's decommissioning license, NRC staff prepared an environmental assessment, titled "Environmental Assessment Related to the Proposed Decommissioning of the RMI Titanium Company Extrusion Plant Facility in Ashtabula, Ohio" (Decommissioning EA). The Decommissioning EA includes an evaluation of radiological and non-radiological impacts of the proposed decommissioning of the RMI extrusion plant site.

By license amendment application dated May 13, 1998, RMI requested changes to its decommissioning license for the extrusion plant facility. This amendment (Amendment No. 9) to RMI's license is needed to bring to closure three license conditions on RMI's decommissioning license, namely: establishment of a release criterion for Tc-99 in soil; documentation that site soils are not contaminated with thorium-230; and certification of authority of the signator of the U.S. Department of Energy's statement of intent to fund decommissioning of the site.

The environmental assessment to support License Amendment No. 9 (to amend the decommissioning license) supplements the Decommissioning EA.

Identification of the Proposed Action

In a letter with supporting documentation submitted to NRC on December 16, 1997, the licensee

proposed an alternative release criterion of 8.1 Becquerels (Bq) (220 picocuries (pCi)/gram(g) for Tc-99 in soil. RMI's proposal was made to bring to closure (1) License Condition 20.d to RMI's decommissioning license, which requires that RMI establish a release criterion for Tc-99 in soil, and (2) Section 4.1, Radiological Release Criteria, of the Decommissioning EA, which stated that the licensee will provide alternative release criteria for Tc-99 in soils for review by the staff.

License Condition 20.e (of Amendment No. 8; requiring RMI to document that there is no thorium-230 contamination in soils) and License Condition 22 (of Amendment No. 8; requiring additional financial assurance submittals) are proposed to be deleted from the license, since the licensee has provided the requisite information to staff. Deletion of these two license conditions is administrative in nature and meets the categorical exclusion conditions of 10 CFR 51.22(c)(11).

The Need for the Proposed Action

The proposed action is necessary to establish a concentration criterion for Tc-99 in soil that would allow release of the extrusion plant facility for unrestricted use.

Environmental Impacts of the Proposed Action

Section 6.1.1 of the Decommissioning EA describes the short-term radiological impacts resulting from decommissioning of the site.

To determine long-term radiological impacts associated with Tc-99 in soils and release of the site for unrestricted use, the licensee performed RESRAD dose analyses for all pathways, and utilized site specific Kd values as requested by NRC staff. NRC staff reviewed RMI's submittal and also performed independent dose analyses, using RESRAD, for the proposed release criterion.

The dose analyses show that the potential dose from soils containing 8.1 Bq (220 pCi/g) Tc-99 would initially be approximately 0.8 millisieverts (mSv) (80 millirem (mrem))/year (yr), but would decrease to about 0.22 mSv (22 mrem)/yr within three years. The dose would remain around 0.22 mSv (22 mrem)/yr from three to ten years after remediation to 8.1 Bq (220 pCi)/g TC-99, the dose would decrease to near zero. Staff finds the proposed release criterion acceptable, with the license condition that RMI maintain control of soil areas contaminated with Tc-99 until the dose from Tc-99 contaminated soils is less than 0.25 mSv (25 mrem)/yr.

Non-radiological impacts, which are expected to be minimal for decommissioning the site, are addressed in Section 6.1.2 of the Decommissioning EA.

Conclusion

The staff concludes that RMI's proposed action will not cause any significant impact on the human environment and is acceptable. The staff recommends that the proposed action be implemented.

Alternatives to the Proposed Action

Alternatives to the proposed action are addressed in Section 6.2 of the Decommissioning EA.

Agencies Consulted

Staff prepared this environmental assessment. Staff consulted with the Ohio Department of Health, Ohio EPA, and the U.S. EPA for review of this environmental assessment.

Finding of No Significant Impact

Based on the NRC staff's environmental assessment related to amending License SMB-602, the Commission concludes that the proposed action will not have a significant impact on the quality of the human environment.

Accordingly, the Commission has determined not to prepare an Environmental Impact Statement and that a Finding of No Significant Impact is appropriate.

Additional Information

The environmental assessment and the documents related to this proposed action are available for public inspection and copying at the NRC's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

For additional information, contact Dr. Ronald B. Uleck, Project Manager, Materials Decommissioning Section, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, (301) 415-6722.

Dated at Rockville, Maryland, this 6th day of January 1999.

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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