

supplemented by letters dated July 8 and July 19, 1999.

The Need for the Proposed Action

ZNPS was shut down permanently in February 1997. ComEd certified the permanent shutdown on February 13, 1998, and on March 9, 1998, certified that all fuel had been removed from the reactor vessels. In accordance with 10 CFR 50.82(a)(2), upon docketing of the certifications, the facility operating license no longer authorizes ComEd to operate the reactor or to load fuel into the reactor vessel. In this permanently shutdown condition, the facility poses a reduced risk to public health and safety. Because of this reduced risk, certain requirements of 10 CFR 50.47 are no longer required. An exemption is required from portions of 10 CFR 50.47(b) and (c)(2) to allow the licensee to implement a revised defueled station emergency plan (DSEP) that is appropriate for the permanently shutdown and defueled reactor facility.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the granting of the exemption will not increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the Zion Nuclear Power Station, Units 1 and 2, dated December 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on August 4, 1999, the staff consulted with the Illinois State official, Mr. Gary Wright, of the Illinois Department of Nuclear Safety (IDNS) regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated April 13, 1999, as supplemented by letters dated July 8 and July 19, 1999, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 13th day of August 1999.

For the Nuclear Regulatory Commission.

Dino C. Scaletti,

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Project Directorate IV & Decommissioning,
Division of Licensing Project Management,
Office of Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

[Docket No. 070-3073]

Finding of No Significant Impact Related to Amendment of Materials License No. SNM-1999, Kerr-McGee Corp., Cushing Refinery Site Cushing, Oklahoma

The U.S. Nuclear Regulatory Commission (NRC) is considering issuing a license amendment to Materials License No. SNM-1999, held by the Kerr-McGee Corporation (Kerr-McGee or the licensee), to authorize remediation of its Cushing Refinery Site

(Cushing site) located in Cushing, Oklahoma.

Summary of Environmental Assessment

Background

Kerr-McGee has environmental responsibility for a former refinery site near the city of Cushing, Oklahoma. The refinery opened around 1912 and was purchased by Kerr-McGee in 1956. During the early 1960s, in addition to petroleum processing, Kerr-McGee processed uranium fuel and thorium metal in several buildings onsite under licenses issued by the Atomic Energy Commission (AEC). The uranium fuel and thorium processing area was decommissioned, the property and facilities were released for unrestricted use, and the license was terminated by the AEC. Kerr-McGee continued to operate the refinery until 1972, at which time it was torn down. In May 1990, Kerr-McGee entered into a Consent Order with the Oklahoma State Department of Health (now referred to as the Oklahoma Department of Environmental Quality) (DEQ), addressing the investigation and remediation of the Cushing refinery site. The DEQ Consent Order divided the site work into radiological and non-radiological remediation efforts. The non-radiological remediation is being performed in a manner similar to the Federal Superfund Remedial Investigation/Feasibility Study (RI/FS) process. On April 6, 1993, NRC issued Materials License SNM-1999 to the Kerr-McGee Corporation, for the radiological decommissioning of its Cushing site. This license authorized the licensee to possess radioactive contaminated soil, sludge, sediment, trash, building rubble, and any other contaminated material, at its Cushing site.

Proposed Action

The licensee has proposed to remediate its Cushing Refinery site. The purpose of this remediation effort is to remove radioactive contamination to levels such that the site can be released for unrestricted use. Kerr-McGee has performed a radiological characterization survey of the site. Those areas found to contain radioactive contamination were designated as radioactive material areas (RMAs). In this action, Kerr-McGee is proposing to collect the radioactive contaminated material that exceeds NRC's Branch Technical Position (BTP) ¹ Disposal Option 1 (Option 1), package this

¹ Disposal or Onsite Storage of Thorium or Uranium Waste from Past Operations (46 FR 52061, October 23, 1981).

material, and ship this material to the Envirocare Low-Level Radioactive Waste Disposal Site in Clive, Utah, for disposal. The licensee will perform a final survey of the site to determine if the site has been remediated in accordance with the approved Cushing site decommissioning plan and the criteria for unrestricted release of the site have been achieved. The results of this final site survey will be submitted to the NRC for its review. Based on the results provided in this final survey report and NRC confirmatory survey findings, the NRC will terminate Materials License SNM-1999.

The Need for Proposed Action

The proposed action is necessary to remove the contamination that exists at the Cushing site. This action will facilitate remediation of this site to a condition suitable for unrestricted release and is one of the actions necessary for termination of Kerr-McGee's Cushing site Materials License SNM-1999.

Alternative to Proposed Action

An alternative to the proposed action is a no-action alternative. The no-action alternative would mean that the Cushing site would not be remediated at this time. This conflicts with NRC's requirement, in Title 10 of the Code of Federal Regulations (CFR) 70.38, of timely remediation at sites that have ceased operations. Although there is no immediate threat to the public health and safety from this site as long as the licensee maintains appropriate controls over the radioactive material, not undertaking remediation, at this time, does not resolve the regulatory and potential long-term health and safety problems involved in storing this waste. No action now would delay remediation until some time in the future, when costs could be much higher than they are today. It is even possible that no disposal option will be available in the future if the current low-level radioactive waste disposal facilities are closed and no new ones are opened. Therefore, the no-action alternative is not acceptable.

Environmental Impacts of Proposed Action

Radiological impacts on members of the public may result from inhalation and ingestion of releases of radioactivity in air and in water during the remediation operations, direct exposure to radiation from radioactive material at the site during remediation operations, and transport for disposal. Decommissioning workers may receive doses primarily by ingestion, inhalation,

and direct exposure during the remediation activities. In addition to impacts from routine operations, the potential radiological consequences of accidents were considered.

NRC staff considered the potential impacts of the proposed Cushing site remediation activities on the local ground-water supply. The licensee stated that the regional ground-water aquifer is isolated from the uppermost water-bearing zone by a low permeability strata. Further, the licensee's ground-water monitoring program thus far has not detected radioactive contamination of the shallow ground-water. Additionally, DEQ stated the following: (1) The shallow ground-water unit yields low quantities of poor quality water; (2) it is highly unlikely that future residential or commercial drinking water wells will be established from the shallow ground-water at this site; and (3) no known drinking water wells are screened in the shallow ground-water within 1.6 km (1 mile) radius of the site. Also, DEQ stated that the shallow ground-water should not be considered a viable drinking water source for the area, and that DEQ would consider water quality standards other than maximum contamination levels, as set by the U.S. Environmental Protection Agency (EPA), as appropriate for the shallow ground-water at this site. Further, based on EPA guidance, the shallow ground-water would be classified as a "Class III—Groundwater Not a Potential Source of Drinking Water and of Limited Beneficial Use." NRC staff has determined that removing radioactive contamination from the Cushing site would not cause ground-water contamination. Although, the removal of radioactive contamination from the Cushing site would reduce the potential of future contamination of the local ground-water supply.

The licensee has evaluated the potential for exposure to both a member of the public and a radiation worker that would result from remediation of the Cushing site and from a remediation of the largest area that requires remediation, respectively. The results of the licensee's analyses indicate that the upper bound doses resulting from remediation activities would be: (1) 0.18 milli-sievert (mSv) [18 milli-roentgen-equivalent-man (mrem)] total effective dose equivalent (TEDE) for a member of the public; and (2) 1.4 mSv (140 mrem) TEDE, to a radiation worker. Thus, the radiological consequences of remediating the Cushing site are insignificant for both members of the public and radiation workers. The results are well within the regulatory limits as specified in 10 CFR part 20.

The licensee also evaluated the potential for exposure from conditions that would result from several postulated accident scenarios. The licensee considered accident scenarios for both onsite and offsite accidents. The licensee found that the worst-case credible accidents were the result of contaminated wastes being spilled. The offsite worst-case credible accident was a single intermodal container holding 12.6 cubic meters (m^3) (450 cubic feet (ft^3)) of contaminated waste soil being spilled in transit. The resulting dose to the worker cleaning up the spilled material was 0.35 mSv (35 mrem) TEDE and for a member of the public the resulting dose was 0.0015 mSv (0.15 mrem). The onsite worst-case credible accident was a single container holding 0.2 m^3 (7.5 ft^3) of contaminated waste soil being spilled. The resulting dose to the worker cleaning up the spilled material was 0.11 mSv (11 mrem) TEDE.

The results of the licensee's analyses were considered estimates of upper bound doses resulting from worst-case, but credible, potential accidents. The results indicate that the radiological consequences of the potential accidents involving radioactive waste spillage are insignificant for both a member of the public and a radiation worker cleaning up the spilled waste and would result in doses to that are well within the regulatory limits as specified in 10 CFR part 20.

Further, the low-level waste disposal facility, Envirocare, is eligible to receive Cushing waste. The Envirocare facility is regulated under State of Utah rules for land disposal of radioactive wastes. Disposal at the Envirocare facility will provide for long-term institutional control and minimize the potential for human intrusion and other environmental impacts. Waste will be packaged and shipped in accordance with NRC and Department of Transportation requirements. Therefore, NRC staff believes that disposing of the Cushing site radiologically contaminated wastes at the Envirocare facility will not cause any significant impacts on the human environment and is acceptable.

The NRC staff also considered nonradiological impacts and concluded that all such impacts are negligible.

Further, the conclusion in the staff's Environmental Assessment was that the remediation of the Cushing site represented an insignificant risk to the public health and safety and the human environment. Therefore, NRC concluded that there are no environmental justice issues related to the remediation of the Cushing site.

Conclusions

Based on NRC staff's evaluation of the licensee's Cushing site decommissioning plan, NRC staff has determined that the proposed plan complies with NRC's public and occupational dose and effluent limits, and that authorizing the proposed activities by license amendment would not be a major Federal action significantly affecting the quality of the human environment. NRC staff concludes that a finding of no significant impact is justified and appropriate, and that an environmental impact statement is not required. In accordance with the requirements of subpart L of 10 CFR part 2, an Opportunity for a Hearing was offered.²

Alternative Use of Resources

The activities leading to the proposed action would result in the irreversible use of energy resources in the conduct of the proposed Cushing site remediation. In addition, a portion of the Envirocare facility will be irreversibly committed for the disposal of Cushing site waste. There is no reasonable alternative to these resource uses, and the proposed action does not involve any unreviewed conflicts concerning use of available resources.

Agencies and Persons Consulted, and Sources Used

The Environmental Assessment on which the finding of no significant impact is based was prepared by the NRC staff in the Office of Nuclear Material Safety and Safeguards, Rockville, MD. NRC staff provided a draft of its Environmental Assessment to DEQ for review. DEQ in its letter Dated July 12, 1999, stated that they had no comments.

Finding of No Significant Impact

Pursuant to 10 CFR part 51, NRC has prepared an environmental assessment related to the issuance of a license amendment to Materials License SNM-1999, authorizing remediation of the Cushing Refinery Site. On the basis of this environmental assessment, NRC has concluded that this licensing action would not have any significant effect on the quality of the human environment and does not warrant the preparation of an environmental impact statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

Further Information

For further details with respect to this action, the Environmental Assessment

and other documents related to this proposed action are available for public inspection and copying at NRC's Public Document Room at the Gelman Building, 2120 L Street NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 12th day of August 1999.

For the U.S. Nuclear Regulatory Commission,

Larry W. Camper,

Chief Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

PECO Energy Co.; Peach Bottom Atomic Power Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DRP-44 and DRP-56, issued to PECO Energy Company (the licensee), for operation of the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located in York County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would correct existing editorial and typographical errors in the Technical Specification (TSs). Each proposed change has been verified to meet the intent of what was originally proposed by PECO Energy and approved by the NRC in previously processed amendments to the TSs. These changes are purely administrative and do not impact the operation of the facility. The proposed changes are summarized below.

1. Correct the labels for the Site Boundary and Exclusion Area Boundary on the Unit 2 and Unit 3 TS Figures 4.1-1 by reversing the labels.
2. Correct the note by replacing the word "on" with the word "or" in the Unit 3 TS Surveillance Requirement (SR) 3.3.1.2.5.
3. Correct the note above TS SR 3.8.4.1 by replacing "SR 3.8.1.9" with "SR 3.8.4.9" in the Unit 3 TS Section 3.8.4.

The proposed action is in accordance with the licensee's application for amendment dated February 12, 1999, as supplemented by letter dated July 8, 1999.

The Need for the Proposed Action

When PBAPS Units 2 and 3, were converted to the Standard TSs under Amendments 210 and 214 respectively, Figure 4.1-1 of the TSs incorrectly reversed the depiction of the Site Boundary and the Exclusion Area Boundary. This mistake occurred during the licensee's conversion of the old TS Figure 3.8.1, "Gaseous and Liquid Effluent Release Points," to the new TS Figure 4.1-1, "Site and Exclusion Area Boundaries." To correct this error, the proposed TS Amendment is required to reflect that there is no change in the Exclusion Area or Site Boundaries and to correctly show that the Site Boundary resides outside of the Exclusion Area and outlines the area owned by the licensee related to PBAPS Units 2 and 3.

In PBAPS Unit 3 TS Surveillance Requirement SR 3.3.1.2.5, there is a note that reads, "Not required to be performed until 12 hours after WRNMs indicate 125E-5% power on below." There is a typographical error in the note in that the note should read "* * * power or below."

In TS SR 3.8.4.1, there is a note that reads, "SR through SR 3.8.4.8 are applicable only to the Unit 3 DC electrical power subsystems. SR 3.8.1.9 is applicable only to the Unit 2 DC electrical power subsystems." There is a typographical error in that SR 3.8.1.9 should read SR 3.8.4.9 which is being corrected by the licensee's amendment application.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the modifications to the Technical Specifications are administrative in nature.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant

² 60FR 46318 (September 6, 1995).