

activities on the polar research community, to provide advice to the Director of OPP on issues related to long-range planning.

Agenda: Staff presentations and discussion on opportunities and challenges for polar research, education and infrastructure; discussion of OPP Strategic Vision development; transformative research, ad hoc proposals & program solicitations.

Dated: April 5, 2011.

Susanne Bolton,

Committee Management Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-01179; NRC-2011-0078]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for the University of Alaska-Fairbanks, Fairbanks, AK

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Jack E. Whitten, Chief, Nuclear Materials Safety Branch B, Division of Nuclear Materials Safety, Region IV Office, U.S. Nuclear Regulatory Commission, Arlington, Texas, 76011. Telephone: 817-860-8197; fax number: 817-860-8188; e-mail: Jack.Whitten@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Material License No. 50-02430-07, issued to the University of Alaska-Fairbanks (the licensee), to authorize the release of an incinerator previously used at the Arctic Health Research Building for unrestricted use and for removal from the license. The NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed amendment is to allow for the release of an incinerator previously used at the Arctic Health Research Building, University of Alaska-Fairbanks, Fairbanks, Alaska, for unrestricted use and removal from the license. The

licensee was authorized by the NRC on June 28, 1982, to begin using an incinerator to dispose of radioactive wastes. The licensee has used this incinerator to dispose of biologically hazardous wastes containing low-level radioactive materials. On July 30, 2008, the licensee requested authorization to decommission this incinerator. The licensee stated that it had disposed of wastes containing low levels of hydrogen-3 (tritium) and carbon-14 by incineration. The licensee also disposed of wastes containing phosphorus-32, sulfur-35, and iodine-125 via incinerator after the radioisotopes were allowed to decay in storage. The licensee's submittal included radiological survey results for the incinerator, the area around the incinerator, and accessible areas of the discharge stack. The NRC staff reviewed the licensee's submittal and requested additional information about the proposed decommissioning plan. The licensee responded with additional information by letter dated July 12, 2009. The licensee conducted an historical assessment and concluded that the incinerator had been used for 17 years. The licensee estimated that it had disposed of wastes containing about 19 millicuries (0.7 gigabecquerels) of hydrogen-3 (tritium) and about 13 millicuries (0.47 gigabecquerels) of carbon-14. All other radionuclides that were incinerated had short half-lives (less than 88 days) and were allowed to decay in storage prior to incineration. The licensee included additional survey measurements of the accessible areas of the incinerator in its second submittal. The NRC subsequently approved the decommissioning plan by license amendment dated August 12, 2009. The licensee completed decommissioning and submitted a final status survey report to the NRC by letter dated November 16, 2009. The final status survey report included survey data for the discharge stack, data collected from areas that were inaccessible during previous surveys.

The NRC staff conducted a technical review of the licensee's radiological survey data. The licensee's final status survey results were well below the NRC's screening values for hydrogen-3 and carbon-14 as presented in NUREG-1757, Volume 1, Revision 2, "Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees," Table B.1, Acceptable License Termination Screening Values of Common Radionuclides for Building-Surface Contamination." The NRC staff also compared the final status survey results to the equipment release criteria

provided in Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors," Table 1, Acceptable Surface Contamination Levels. In summary, the licensee conducted radiological surveys of the incinerator and provided sufficient information to the NRC demonstrating that the incinerator meets the license termination criteria specified in Subpart E to 10 CFR Part 20 for unrestricted release of the incinerator. The staff has prepared this EA in support of the proposed license amendment.

This proposed license amendment will allow the licensee to free-release the decommissioned incinerator without any radiological restrictions. In accordance with the current license, the licensee will continue to be authorized to dispose of biologically hazardous wastes containing limited quantities of licensed radioactive material using a different incinerator.

The staff has prepared this EA in support of the proposed license amendment to release the incinerator for unrestricted use. The staff has found that the radiological environmental impacts from the proposed amendment are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (NUREG-1496). The staff has also found that the non-radiological impacts are not significant. The staff consulted with the State of Alaska, and the State had no comments on the proposed action.

III. Finding of No Significant Impact

On the basis of this EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agency Wide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

1. NRC, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities,"

- NUREG-1496, July 1997 (ML042310492, ML042320379, and ML042330385).
2. Martinson, Tracey A., University of Alaska-Fairbanks, Licensee letter requesting release of incinerator, July 30, 2008 (ML082420967).
 3. NRC, Request for additional information, June 4, 2009 (ML091560189).
 4. Martinson, Tracey A., University of Alaska-Fairbanks, Proposed decommissioning plan, July 12, 2009 (ML110310647).
 5. NRC, License amendment, August 12, 2009 (ML092240357).
 6. Martinson, Tracey A., University of Alaska-Fairbanks, Final status survey report, November 16, 2009 (ML093641107).

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209 or 301-415-4737 or by e-mail to pdr.resource@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Arlington, Texas this 31st day of March 2011.

For the Nuclear Regulatory Commission.

Jack E. Whitten,

*Chief, Nuclear Materials Safety Branch B,
Division of Nuclear Materials Safety, Region IV.*

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**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 50-219; NRC-2010-0320]

**Exelon Generation Company, LLC;
Oyster Creek Nuclear Generating
Station; Exemption**

1.0 Background

Exelon Generation Company, LLC (Exelon or the licensee) is the holder of Facility Operating License No. DPR-16 that authorizes operation of the Oyster Creek Nuclear Generating Station (Oyster Creek). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Ocean County, New Jersey.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50, Section 50.48 requires that nuclear power plants that were licensed before January 1, 1979, must satisfy the requirements of 10 CFR part 50, Appendix R, Section III.G, "Fire protection of safe shutdown capability." Oyster Creek was licensed to operate prior to January 1, 1979. As such, the licensee's Fire Protection Program (FPP) must provide the established level of protection as intended by Section III.G of 10 CFR part 50, Appendix R.

By letter dated March 3, 2009, "Request for Exemption from 10 CFR 50, Appendix R, Section III.G, 'Fire Protection of Safe Shutdown Capability (Phase 1)'" available at Agencywide Documents Access and Management System (ADAMS), Accession No. ML090630132, and supplemented by letter dated April 2, 2010, "Response to Request for Additional Information Request for Exemption from 10 CFR 50, Appendix R, Section III.G, 'Fire Protection of Safe Shutdown Capability'" (ML100920370), the licensee requested an exemption for Oyster Creek from certain technical requirements of 10 CFR part 50, Appendix R, Section III.G.2 (III.G.2) for the use of operator manual actions (OMAs) in lieu of meeting the circuit separation and protection requirements contained in III.G.2 for the following 21 plant Fire Areas: CW-FA-14, OB-FA-9, OB-FZ-6A, OB-FZ-6B, OB-FZ-8A, OB-FZ-8B, OB-FZ-8C, OB-FZ-10A, RB-FZ-1D, RB-FZ-1E, RB-FZ-1F3, RB-FZ-1F5, RB-FZ-1G, TB-FA-3A, TB-FA-26, TB-FZ-11B, TB-FZ-11C, TB-FZ-11D, TB-FZ-11E, TB-FZ-11F, and TB-FZ-11H. These 21 plant areas are the subject of this exemption.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. The licensee has stated that special circumstances are present in that the application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule,

which is consistent with the language included in 10 CFR 50.12(a)(2)(ii).

In their March 3, 2009, and April 2, 2010, letters, the licensee discussed financial implications associated with plant modifications that may be necessary to comply with the regulation. 10 CFR 50.12(a)(2)(iii) states that if such costs have been shown to be significantly in excess of those contemplated at the time the regulation was adopted, or are significantly in excess of those incurred by others similarly situated, this may be considered a basis for considering an exemption request. However, financial implications were not considered in the regulatory review of their request since no substantiation was provided regarding such financial implications. Even though no financial substantiation was provided, the licensee did submit sufficient regulatory basis to support a technical review of their exemption request in that the application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

In accordance with 10 CFR 50.48(b), nuclear power plants licensed before January 1, 1979, are required to meet Section III.G of 10 CFR part 50, Appendix R. The underlying purpose of Section III.G of 10 CFR part 50, Appendix R, is to ensure that the ability to achieve and maintain safe shutdown is preserved following a fire event. The regulation intends for licensees to accomplish this by extending the concept of defense-in-depth to:

- (1) Prevent fires from starting;
- (2) Rapidly detect, control, and extinguish promptly those fires that do occur;
- (3) Provide protection for structures, systems, and components important to safety so that a fire that is not promptly extinguished by the fire suppression activities will not prevent the safe shutdown of the plant.

The stated purpose of 10 CFR part 50, Appendix R, Section III.G.2 (III.G.2) is to ensure that one of the redundant trains necessary to achieve and maintain hot shutdown conditions remains free of fire damage in the event of a fire. III.G.2 requires one of the following means to ensure that a redundant train of safe shutdown cables and equipment is free of fire damage, where redundant trains are located in the same fire area outside of primary containment:

- a. Separation of cables and equipment by a fire barrier having a 3-hour rating;
- b. Separation of cables and equipment by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards and with fire detectors and