

NUCLEAR REGULATORY COMMISSION

[Docket No. 040-8724, License No. SUB-1357 EA 93-271]

In the Matter of Chemetron Corporation, Delray, Florida; Order Imposing Civil Monetary Penalty

I

Chemetron Corporation (Licensee) is the holder of License No. SUB-1357 issued by the Nuclear Regulatory Commission (NRC or Commission) on June 12, 1979. The license authorizes the Licensee to possess depleted uranium-contaminated wastes at its facility located at 2910 Harvard Avenue in Cuyahoga Heights, Ohio, and at the McGean-Rohco property located between 28th and 29th Streets at Bert Avenue, Newburgh Heights, Ohio, in accordance with the conditions specified therein.

II

A review of the remediation plan submitted by the Licensee on October 1, 1993, revealed 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 May 11, 1994. The Notice states the nature of the violation, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the notice in letters dated June 9 and September 9, 1994. In its responses, the Licensee restated the events concerning the violation, including the fact that three sections of the remediation plan were not submitted by the required date, asserted errors in the Notice, and set out what it considered extenuating circumstances.

III

After consideration of the Licensee's response 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 violation occurred as stated and that the penalty proposed for the violation 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 \$10,000 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 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. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. 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, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 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 III, 801 Warrenville Rd., Lisle, Illinois 60532-4351.

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 this Order (or if written approval of an extension of time in which to request a hearing has not been granted), 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.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Rockville, Maryland this 28th day of July 1997.

For the Nuclear Regulatory Commission,
James Lieberman,
Director, Office of Enforcement.

[FR Doc. 97-20547 Filed 8-4-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Company; Point Beach Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

Environmental Assessment*Identification of the Proposed Action*

The proposed action would revise (1) Section 3.A of Facility Operating Licenses DPR-24 and DPR-27 from a licensed power level of 1518 megawatts thermal (MWt) to 1518.5 MWt; (2) technical specification (TS) 15.3.1.B Bases power level from 1518 MWt to 1518.5 MWt; and (3) TS 15.3.1.B Bases reference 2 from revision 2 to revision 3. These changes make the value of the licensed power level listed in Section 3.A of the licenses and in the Units 1 and 2 bases of TS 15.3.1.B consistent with the value listed in the balance of the TS and in the final safety analysis report (FSAR). The changes are administrative and do not change plant design or operation.

The proposed action is in accordance with the licensee's application for amendment dated August 22, 1996, as supplemented by letter dated July 14, 1997.

The Need for the Proposed Action

The proposed action would revise the power level included in Facility Operating Licenses DPR-24 and DPR-27 to restore consistency with the authorized power level defined in the TS and assumed in performing facility safety analyses.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed changes to the licenses and TS. According to the licensee, the administrative change in the licensed power level restores consistency between the licenses and the TS. The TS, as originally issued, defined the licensed power level as 1518.5 MWt. At no time has the power level defined in the TS been changed from 1518.5 MWt. Accident analyses performed in support of original

licensing used as a bases for analyses the value of 1518.5 MWt or an appropriate multiple of 1518.5, as required. Only one current analysis, fluence values affecting 10 CFR part 50, Appendix G, specifically referenced a power level of 1518 MWt. The licensee concluded that the results of this analysis are insensitive to the change in power level and sufficient assurance regarding the effect of fluence levels is obtained in analyzing material specimens.

This administrative change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action is administrative in nature and does not involve any physical features of the plant. Thus, it does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. 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 any resources not previously considered in the Final Environmental Statement for the Point Beach Nuclear Plant, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on July 17, 1997, the staff consulted with the Wisconsin State official, Sarah Jenkins of the Wisconsin Public Service Commission, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon 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 August 22, 1996, as supplemented on July 14, 1997, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Lester Public Library, 1001 Adams Street, Two Rivers, Wisconsin 54241.

Dated at Rockville, Maryland, this 28th day of July 1997.

For The Nuclear Regulatory Commission.

Linda L. Gundrum,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-309]

Maine Yankee Atomic Power Company; Maine Yankee Atomic Power Station; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition for action under 10 CFR 2.206 received from Mr. Patrick M. Sears (Petitioner), dated August 19, 1996, and revised on April 14, 1997, with regard to the Maine Yankee Atomic Power Station.

The Petitioner requested the NRC to (1) fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP have not been kept in accordance with YAEC's computer code quality assurance procedures and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

The Director of the Office of Nuclear Reactor Regulation has acknowledged parts (1) and (2) of the Petition. The reasons for this decision are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-97-17), the complete text of which follows this

notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the Maine Yankee Atomic Power Station located at the Wiscasset Public Library, High Street, P. O. Box 367, Wiscasset, Maine 04578.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided by this regulation, this Decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 30th day of July 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR 2.206

I. Introduction

On August 19, 1996, Patrick M. Sears (Petitioner) filed a Petition with the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). Petitioner requested the NRC to (1) Fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP5YA have not been kept in accordance with YAEC's computer code quality assurance (QA) procedures, and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

As the basis for these requests, the Petition states that (1) The May 5, 1989, oral statement of Steve Nichols, then licensing supervisor of MYAPCO, to Petitioner, then NRC Project Manager for Maine Yankee Atomic Power Station (MYAPS), that RELAP5YA was "operable" and would be used for subsequent reloads was false; (2) no computer code inspections were performed by NRC before a 1992 inspection at YAEC by Mr. Sears, and not again until 1995; (3) when Mr. Sears was in the Vendor Inspection Branch, he was told not to do any more computer code inspections; (4) RELAP is widely used; (5) RELAP has been shown to have serious deficiencies; and (6) the RELAP problem is not confined to the MYAPS but is endemic to the industry as a whole.

On September 24, 1996, Mr. William T. Russell, then Director of the Office of