

equivalents, until the Commission terminates each pertinent license requiring the record.

Contrary to the above, as of April 30, 1996, the licensee had not maintained records of the results of surveys to determine the dose from external sources performed during three-month periods beginning: April 15, 1993; July 15, 1993; April 15, 1994; July 15, 1994; October 15, 1995; and January 15, 1996.

E. 10 CFR 35.50(b)(3) requires, in part, that a licensee test each dose calibrator for linearity at least quarterly.

Contrary to the above, the licensee did not test its dose calibrator for linearity at least quarterly. Specifically, the licensee utilized the dose calibrator for patient studies from January 1 through June 21, 1995, and from October 27 through the end of 1995, but performed dose calibrator linearity tests only in January and November, 1995.

This is a repeat violation.

F. 10 CFR 35.59(b)(2) requires, in part, that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months or at other intervals approved by the Commission or an Agreement State.

Contrary to the above, the licensee did not test a sealed source containing 200 microcuries of cesium-137 for leakage between January 13, 1995, and December 5, 1995, an interval in excess of six months, and no other interval was approved by the Commission or an Agreement State.

This is a repeat violation.

G. 10 CFR 35.59(d) requires in part, that a licensee retain records of leakage test results for five years; and that the records contain the signature of the Radiation Safety Officer.

Contrary to the above, as of April 30, 1996, the licensee's records of leakage test results did not contain the signature of the Radiation Safety Officer.

H. 10 CFR 35.59(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source conduct a quarterly physical inventory of all such sources in its possession.

Contrary to the above, the licensee did not conduct a physical inventory of its sealed sources during the fourth quarter of 1994 (in that an inventory was not done between July 7, 1994 and January 13, 1995), and during the second quarter of 1995 (an inventory was not done between January 13, 1995 and November 28, 1995).

I. 10 CFR 35.59(g) requires, in part, that a licensee retain for five years records of quarterly physical inventories of sealed sources and brachytherapy sources in its possession, and that the records contain the signature of the Radiation Safety Officer.

Contrary to the above, as of April 30, 1996, the licensee's records of physical inventories of its sealed sources did not contain the signature of the Radiation Safety Officer.

J. 10 CFR 35.51(a)(3) requires that a licensee conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration, and the date of calibration on any survey instrument used to show compliance with 10 CFR Part 35.

Contrary to the above, as of April 30, 1996, the licensee did not conspicuously note the

apparent exposure rate from a dedicated check source as determined at the time of calibration noted on its Ludlum Model 14C survey instrument, and the licensee was using this survey instrument to show compliance with 10 CFR Part 35. Specifically, the apparent exposure rate from a dedicated check source noted on the licensee's survey meter was not determined on December 15, 1995, when the survey meter was calibrated, but was determined on January 29, 1996, after it was returned to the licensee's facility.

This is a repeat violation.

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**[Docket Nos. 50-280 and 50-281]**

**Virginia Electric and Power Company; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw its January 26, 1993, application for proposed amendment to Facility Operating License Nos. DPR-32 and DPR-37 for the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia.

The proposed amendments would have relocated the fire protection Technical Specifications to the Updated Final Safety Analysis Report consistent with Generic Letter 86-10.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on April 14, 1993 (58 FR 19492). However, by letter dated April 23, 1996, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 26, 1993, and the licensee's letter dated April 23, 1996, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and the Swem Library, College of William and Mary, Williamsburg, VA 23185.

Dated at Rockville, MD this 11th day of September, 1996.

For the Nuclear Regulatory Commission.  
Gordon E. Edison, Sr.  
*Project Manager, Project Directorate II-1,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

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**[Docket Nos. 70-7001; 70-7002]**

**Notice of Certification Decision for U.S. Enrichment Corporation To Operate Gaseous Diffusion Plants and Finding of No Significant Impact**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Certification of gaseous diffusion plants.

**SUMMARY:** The U.S. Nuclear Regulatory Commission is issuing a certification decision for the U.S. Enrichment Corporation (USEC) to operate the two gaseous diffusion plants (GDPs) located at Paducah, Kentucky, and at Piketon, Ohio. NRC is also issuing a Finding of No Significant Impact (FONSI) concerning NRC's approval of the compliance plan prepared by the U.S. Department of Energy (DOE) and submitted by USEC.

**FOR FURTHER INFORMATION CONTACT:** Ms. M.L. Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-8126; Mr. C. B. Sawyer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-8174.

**SUPPLEMENTARY INFORMATION:**

**Background**

The President signed H.R. 776, the Energy Policy Act of 1992 (the Act), into law on October 24, 1992. The Act amended the Atomic Energy Act of 1954, to establish a new government corporation, the U.S. Enrichment Corporation (USEC), for the purpose of operating the uranium enrichment enterprise owned and previously operated by the DOE. The Act provided that within two years after enactment of the legislation, NRC would promulgate standards that apply to USEC's operation of its GDPs at Paducah, KY, and Piketon, OH, to protect public health and safety from radiological hazards, and to provide for the common defense and security. The Act directed the NRC to establish and implement an annual certification process under which the GDPs would be certified by the NRC for compliance with these standards. For areas where plant operations are not yet in compliance, the Act provided for a compliance plan prepared by the DOE. The Act also required NRC to report annually to the Congress on the status of the GDPs.

On February 11, 1994 (59 FR 6792), the Commission published for comment a proposed new Part 76 to Chapter I of Title 10 of the *Code of Federal*