Summary of Licensee's Response to Violation II.D

NIH denies Violation II.D. In support, NIH references its May 23, 1996, submission (''Specific Responses of NIH to the Apparent Violations Found in Inspection Reports 030–01786/95–002 (REDACTED) and 030–01786/950203'') at pages 34–37.

NIH argues that Section C.4.c. of Regulatory Guide 8.20, ''Applications of Bioassay for 1–125 and 1–131'' (September 1979), does not require when, but only makes recommendations as to when, quarterly bioassay measurements are to be taken, because of the use of the word ''should'' rather than ''shall'': ''For individuals placed on a quarterly bioassay schedule, the sampling should be randomly distributed over the quarter, but should be done within one week after a procedure involving the handling of I–125 or I–131. This will provide a more representative assessment of exposure conditions.'' NIH claims that both researchers were bioassayed within the calendar quarters in which they handled iodine-125, and that the fact that both researchers did additional iodination work within the quarter is irrelevant because there is no requirement that there be a bioassay after the additional iodination work. NIH states that a bioassay at one week post-iodination is unnecessary, based upon the detection capabilities of the NIH thyroid analysis system and because air monitoring is performed for each and every iodination. NIH further states that in the case of the two researchers, the actual airborne concentrations were so low that follow-up bioassays were not necessary to assess possible internal dose.

NIH further argues that 10 CFR 20.1204 requires that for purposes of determining compliance with occupational dose limits, the licensee shall make suitable and timely measurements of either concentrations of radioactive material in air in work areas, or quantities of radionuclides in the body, or quantities of radionuclides excreted from the body, or a combination of these measurements, and thus the air sampling conducted was sufficient to satisfy 10 CFR 20.1204.

NRC Evaluation of Licensee's Response to Violation II.D

NIH does not dispute that License Condition 29 and Reg. Guide 8.21 require bioassay of individuals working with the quantities of I–125 involved. Regarding NIH's explanation that both researchers were bioassayed within the calendar quarters in which they handled iodine-125, Section C.4.b of Reg. Guide 8.21 does allow quarterly bioassays if initial bioassays are performed within 72 hours after use of iodine for the first three month period and provided that the use falls within certain quantities specified in the Guide. After the initial three month period, the Guide allows the Licensee to change the frequency to quarterly provided that other conditions specified in the Guide are met. NIH did not submit documentation to the NRC to show that all of the conditions necessary to move to a quarterly bioassay frequency were met. Even if the Licensee had met the conditions for a quarterly bioassay schedule, Section C.4.c. of Reg. Guide 8.21 provides that for individuals placed on a quarterly schedule, bioassay samples should be done within one week after a procedure involving the handling of I–125 or I–131 in order to provide a more representative assessment of exposure conditions. NIH has not provided the dates on which the workers were bioassayed to demonstrate that they were in fact conducted during the quarter or within one week after handling I–125.

NIH's argument that no violation occurred because of the detection capabilities of the NIH thyroid analysis system and because air monitoring is performed for each and every iodination is incorrect. Reg. Guide 8.21, which the Licensee agreed to follow, does not carve out an exception to the necessity of performance of bioassays for licensees, depending upon the quality of their thyroid analysis system or air sampling program. NIH's air sampling program does not support NIH's denial of the violation. NIH conducts its air sampling program to ensure compliance with 10 CFR 20.1204. The air sampling program does not address the requirements of License Condition 29 and Reg. Guide 8.21, which are concerned solely with criteria for conducting bioassays of individuals working with I–125 and I–131.

Accordingly, the NRC staff concludes that Violation II.D. occurred as stated.

[FR Doc. 97–13865 Filed 5–27–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414; Docket Nos. 50–369 and 50–370]

Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. NPF–35, NPF–52, NPF–9, and NPF–17. These licenses are issued to Duke Power Company (the licensee) for operation of the Catawba Nuclear Station Units 1 and 2, located in York County, South Carolina, and the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action is in response to the licensee's application dated February 24, 1997, for exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) and design change reports for facility changes made under 10 CFR 50.59 for the Catawba and McGuire nuclear stations. Under the proposed exemption, the licensee would schedule updates to the single, unified UFSAR for each of its two-unit sites based on the refueling cycle of Unit 2 of each station.

The Need for the Proposed Action

Section 50.71(e)(4) requires licensees to submit updates to their FSAR within 6 months after each refueling outage providing that the interval between successive updates does not exceed 24 months. Since Units 1 and 2 of Catawba and McGuire nuclear stations share a common UFSAR, the licensee must update the same document within 6 months after a refueling outage for either unit. Allowing the exemption would maintain the UFSAR current within 24 months of the last revision and still would not exceed a 24-month interval for submission of the 10 CFR 50.59 design change report for either unit.

Environmental Impacts of the Proposed Action

No changes are being made in the types or amounts of any radiological effluent that may be released off site. There is no significant increase in the allowable individual or cumulative

occupational radiation exposure. The Commission concludes that granting the proposed exemption would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. The Commission concludes that there are no significant nonradiological impacts associated with the proposed exemption.

Alternative to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed exemption and this alternative are similar.

Alternative Use of Resources

This action did not involve the use of any resources not previously considered in the Final Environmental Statement related to Catawba Nuclear Station and McGuire Nuclear Station.

Agencies and Persons Contacted

In accordance with its stated policy, on May 13, 1997, the staff consulted with the South Carolina and North Carolina State officials, respectively, regarding the environmental impact of the proposed action. The State officials had no comments.

Finding of No Significant Impact

Based upon the foregoing 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 exemption.

For further details with respect to this action, see the licensee's request for the exemption dated February 24, 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 rooms located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730 for the Catawba Nuclear Station; and the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina 28223 for the McGuire Nuclear Station.

Dated at Rockville, Maryland, this 21st day of May 1997.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–13866 Filed 5–27–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corporation; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License No. DPR–72 issued to Florida Power Corporation, (the licensee), for operation of the Crystal River Unit 3 Nuclear Generating Plant (CR3) located in Citrus County, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated April 7, 1997 for exemption from certain requirements of 10 CFR 50.60, ''Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation'' which would allow the licensee to utilize the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) Case N–514, ''Low Temperature Overpressure Protection,'' to determine its low temperature overpressure protection (LTOP) setpoints. The licensee requests an exemption from certain requirements of 10 CFR 50.60, to allow application of an alternate methodology to determine the LTOP setpoints for CR3. The proposed alternate methodology is consistent with guidelines developed by the ASME Working Group to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. These guidelines have been incorporated into Code Case N–514, ''Low Temperature Overpressure Protection,'' which has been approved by the ASME Code Committee. The content of Code Case N–514 has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI. However, 10 CFR 50.55a, ''Codes and Standards,'' and Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability'' have not been updated to reflect the acceptability of Code Case N–514.

The philosophy used to develop Code Case N–514 guidelines is to ensure that the LTOP limits are still below the pressure/temperature (P/T) limits for normal operation but allow the pressure that may occur with activation of pressure-relieving devices to exceed the P/T limits, provided acceptable margins are maintained during these events. This philosophy protects the pressure vessel from LTOP events and still maintains the Technical Specifications P/T limits applicable for normal heatup and cooldown in accordance with 10 CFR part 50, Appendix G, and Sections III and XI of the ASME Code.

The Need for the Proposed Action

Pursuant to 10 CFR 50.60, all lightwater nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary as set forth in 10 CFR part 50, Appendix G, which defines P/T limits during any condition of normal operation including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in 10 CFR part 50, Appendix G, may be used when an exemption is granted by the Commission pursuant to 10 CFR 50.12.

To prevent transients that would produce excursions exceeding the 10 CFR part 50, Appendix G, P/T limits while the reactor is operating at low temperatures, the licensee installed an LTOP system. The LTOP system includes a pressure-relieving device in the form of a power-operated relief valve (PORV). The PORV is set at a pressure below the LTOP enabling temperature that would prevent the pressure in the reactor vessel from exceeding the P/T limits of 10 CFR part 50, Appendix G. To prevent the PORV from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting or stopping) with the reactor coolant system in a water solid condition, the operating pressure must be maintained below the PORV setpoint. The licensee indicates that its LTOP PORV setpoint based on the 10 CFR part 50, Appendix G, would restrict the P/T operating window and could potentially result in undesired actuation of the PORV during normal heatup and cooldown operation. The operating window is restricted by the difference between the P/T limit curves and the