NRC's screening values for hydrogen-3 (tritium) and 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:

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 II.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.


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)(ii) 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