

Dated: August 12, 1998.

**Lewis J. Bellardo,**

*Deputy Archivist of the United States.*

[FR Doc. 98-22109 Filed 8-17-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Notice of License Termination of the Cintichem, Inc. New York Facility

This notice is to inform the public that the U. S. Nuclear Regulatory Commission (NRC) is terminating Special Nuclear Materials License SNM-639 issued to Cintichem, Inc. for its Tuxedo, New York facility. NRC staff has completed its review of the information submitted by Cintichem, Inc., to support the decommissioning of its Tuxedo, New York facility including: Cintichem's Final Radiological Surveys and Dose Assessments, the Oak Ridge Institute for Science and Education's Confirmatory Survey for the facility, the results of NRC inspections, and radiological evaluations by the New York State Department of Environmental Conservation. Based on this review, NRC staff has concluded that decommissioning actions at the Cintichem facility are complete and Cintichem's Tuxedo, New York facility meets the unrestricted release criteria prescribed in Cintichem's radioactive materials license.

Based on these conclusions, no further remediation or actions with respect to NRC regulated material is required. NRC does not plan to take any further actions regarding this site and will not require any additional decontamination in response to future NRC criteria or standards, unless additional contamination is found, indicating a significant threat to public health.

#### Background

Cintichem used radioactive materials at its Tuxedo, New York facility from 1961 through 1990 in the production of radioisotopes and services for a variety of research, production, medical, and educational institutions and groups. Cintichem currently holds two licenses issued by the NRC, SNM-639 issued pursuant to 10 CFR Part 70 for operations involving special nuclear material and R-81, which was issued by the NRC pursuant to 10 CFR Part 50 for the operation of a 5-megawatt (thermal) test reactor. In addition to the licenses issued by the NRC, Cintichem held a byproduct materials license issued by the State of New York, an NRC Agreement State.

Six principal buildings were located at the facility including a reactor building, a hot laboratory building, a maintenance/engineering building, an administration building, a heating plant and a low-level waste storage building. On February 9, 1990, Cintichem reported the identification of an unmonitored release of radioactively contaminated water from the reactor building to an on-site retention pond. It was determined that this release resulted from the failure of a concrete wall in a water-filled pool that was used for the temporary storage of radioactive materials. Cintichem voluntarily ceased operations on February 9, 1990. On February 12, 1990, Cintichem informed NRC that another concrete vessel on site also had apparently developed a leak. On February 13, 1990, NRC issued an order requiring that the Cintichem facility remain shutdown until existing leaks at the facility were identified and repaired. On May 31, 1990, Cintichem informed the NRC that it had decided to decommission the reactor and radiochemical processing facilities and was preparing a decommissioning plan.

On April 17, 1991, NRC received a request from Cintichem to amend SNM-639 to decommission the facilities and areas associated with the activities authorized under this license. On May 22, 1991, NRC noticed in the **Federal Register** (56 FR 23601, May 22, 1991) that it was considering amending Cintichem's license and offered the public the opportunity to request a hearing pursuant to 10 CFR Part 2. NRC did not receive any requests for a hearing pursuant to the **Federal Register** notice.

On January 16, 1992, NRC amended SNM-639 to authorize decommissioning and required Cintichem to develop residual soil contamination criteria for use as unrestricted release criteria for the facility. These criteria were submitted on October 22, 1992, and approved on August 26, 1993. On February 1, 1994, Cintichem requested approval of residual contamination criteria for five additional radionuclides that were not included in the original submittal. NRC approved the criteria for the five additional radionuclides on October 17, 1994. Unrestricted release criteria for surfaces are described in NRC Regulatory Guide 1.86. These criteria were modified in October 1994 to increase the limits for tritium (H-3) and iron-55 (Fe-55) in accordance with NRC guidance. Cintichem was also required to demonstrate that the dose to a critical member of the public from all residual radioactive material on site did not exceed a few millirem per year. In

addition, the dose via the water pathway alone could not exceed 4 millirem per year in conformance with EPA's Clean Water Act requirements.

Since deciding to permanently cease operations, Cintichem has been decommissioning its facility under its existing license and the approved decommissioning plan for the facility. As Cintichem completed decommissioning portions of the facility, Cintichem performed final radiological surveys to demonstrate that the facility met the criteria for unrestricted use. In order to ensure that remediated areas were not re-contaminated, Cintichem instituted controls to prevent recontamination of the surveyed areas. Due to the large geographical size of the site and the considerable number of radiation survey data points recorded, the Final Radiation Surveys were divided into five sequential phases. For each phase, Cintichem conducted radiation surveys using techniques recommended in NUREG/CR-5849 "Manual for Conducting Radiological Surveys in Support of License Termination" to show that unconditional release criteria were satisfied. The Final Radiation Survey data was reviewed by NRC, and the Oak Ridge Institute for Science and Education (ORISE). After all questions or comments were resolved, confirmatory surveys were conducted to verify Cintichem's Final Radiation Survey results. Results of Cintichem's surveys and the ORISE confirmatory surveys demonstrate that the facility meets the criteria for unrestricted use prescribed in the approved decommissioning plan for the site. On May 27, 1998, Cintichem affirmed that all radioactive material had been removed from site. This was confirmed by inspection of the site by NRC and the State of New York on June 15, 1998.

NRC staff has concluded that decommissioning actions at the Cintichem facility are complete and Cintichem's Tuxedo, New York facility meets the unrestricted release criteria prescribed in Cintichem's radioactive materials license. NRC does not plan to take any further actions regarding this site and will not require any additional decontamination in response to future NRC criteria or standards, unless additional contamination is found, indicating a significant threat to public health.

For further details with respect to this action, documents are available for inspection at NRC's Public Document Room, 2120 L Street, NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland this 11th day of August 1998.

For the U.S. Nuclear Regulatory Commission.

**John W. N. Hickey,**

*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No.: 040-02384]

### Notice of Consideration of Amendment Request to the Decommissioning License for the RMI Titanium Company Extrusion Plant Site in Ashtabula, Ohio, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission is considering issuance of an amendment to Source Material License No. SMB-602, issued to RMI Environmental Services, a Division of RMI Titanium Company (the Licensee), for the decommissioning of its extrusion plant facility in Ashtabula, Ohio.

The Licensee requested the amendment in a letter dated May 13, 1998. The amendment would authorize the Licensee to use an unrestricted release criterion of 220 pCi/g of technetium-99 in soil for decommissioning the site.

The amendment would also delete existing license conditions for: demonstrating that site soils are not contaminated with thorium-230 (the Licensee has provided documentation showing that thorium-230 concentrations are at background levels); and certification of the signator's authorities of DOE's statement of intent to fund decommissioning of the site (the Licensee has provided acceptable documentation of the signator's authorities).

Radioactive contamination at the extrusion plant facility resulted primarily from extrusion operations, using depleted, natural, and slightly enriched uranium. Uranium extrusion operations occurred from 1962 through 1988.

The Licensee is currently remediating the extrusion plant site in accordance with its approved decommissioning plan to meet NRC's criteria as specified in the Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites (57 FR 13389; April 16, 1992), and is maintaining effluents as low as reasonably achievable.

Prior to the issuance of the proposed amendment, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

The NRC hereby provides notice that an application for a license amendment falls within the scope of the informal hearing procedures set forth in 10 CFR Part 2, Subpart L, which addresses NRC's rules and practice for domestic licensing proceedings. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice in accordance with § 2.1205(d)(1).

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, RMI Environmental Services, P.O. Box 579, Ashtabula, Ohio 44004-579, Attention: Mr. Eric Marsh, RMI Environmental Services, and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for

Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Md., this 11th day of August, 1998.

For the U.S. Nuclear Regulatory Commission.

**John W. N. Hickey,**

*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATE:** Weeks of August 17, 24, 31, and September 7, 1998.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of August 17*

Wednesday, August 19

11:30 a.m.—Affirmation Session (Public meeting), a: Commission Order Referring Request for Hearing on Baltimore Gas and Electric Company's Application for License Renewal to the Atomic Safety and Licensing Board Panel (Contact: Ken Hart, 301-415-1659).

*Week of August 24—Tentative*

Tuesday, August 25

10:00 a.m.—Briefing on 10 CFR Part 70—Proposed Rulemaking, "Revised Requirements for the Domestic Licensing of Special Nuclear Material" (Public meeting) (Contact: Elizabeth Ten Eyck, 301-415-7212).

Wednesday, August 26

10:00 a.m.—Briefing by Executive Branch (Closed—Ex. 1)

2:00 p.m.—Briefing on Status of Activities with CNWRA and HLW Program (Public Meeting) (Contact: Mike Bell, 301-415-7286).

3:30 p.m.—Briefing Affirmation Session (Public meeting) (if needed).