

UNITED STATES NUCLEAR REGULATORY COMMISSION
CONSIDERATION OF AMENDMENT TO CINTICHEM, INC.
LICENSE AND OPPORTUNITY FOR HEARING
CINTICHEM, INC.

DOCKET NO. 70-687

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Special Nuclear Materials License No. SNM-639 issued to Cintichem, Inc. for the use of special nuclear material at its facility located in Tuxedo, New York.

The licensee requested the amendment in a letter dated April 17, 1991, which referenced a decommissioning plan, an environmental report and a radiological accident analysis that had previously been submitted to the Commission on October 19, 1990.

The amendment would authorize the licensee to perform decommissioning of the: (a) laboratory/hot cell building (Building 2) and associated structures; (b) areas in the reactor building (Building 1) and associated structures subject to this license amendment; and (c) the waste storage building (Building 6) and associated structures, in accordance with the licensee's decommissioning plan.

Buildings 1, 2, and 6 contain radioactivity and radioactive components, and waste generated as a result of operation of Cintichem's reactor facility from 1961 thru 1990. On February 9, 1990, the licensee 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 had resulted from the failure of part of a concrete wall in the gamma pit (the gamma pit is a water filled pool which is used for the temporary storage of radioactive materials). Cintichem voluntarily ceased operation of the reactor facility on February 9, 1990.

On February 12, 1990, the licensee informed the Commission that another concrete vessel on site (the hold-up tank, which is located in Building 1 and is used to allow the decay of short-lived isotopes in the reactor coolant), also apparently had developed a leak.

On February 13, 1990, the Commission issued an order requiring that the Cintichem facility remain shutdown until existing leaks at the facility were identified and repaired.

In a letter dated May 31, 1990, the Commission was informed that Cintichem had decided to decommission the reactor and radiochemical processing facilities and was preparing a decommissioning plan. On January 14, 1991, the Commission noticed in the Federal Register (56 FR 1422, Monday, January 14, 1991) that the Commission was considering the issuance of an Order authorizing Cintichem

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to dismantle the reactor facility, dispose of the waste and terminate License No. R-81 in accordance with the licensee's application dated October 19, 1990.

On April 17, 1991 the Commission received a request from the licensee to amend special nuclear materials license SNM-639 to decommission the facilities and areas associated with the activities carried out under this license.

Prior to issuance of the proposed amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended, and the Commission's regulations.

Because the facility holds two licenses issued by the Commission, it was determined that decommissioning activities pursuant to the termination of special nuclear material license SNM-639 were also subject to the requirements of 10 CFR Part 2 and any person whose interests might be affected by these proceedings must be given the opportunity to file a request for a hearing.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2. 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, a request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register Notice. The request for 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; 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 Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- a. The interest of the requestor in the proceeding;
- b. 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);

- c. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
- d. The circumstances establishing that the request for a hearing is timely in accordance with §2.1205(c).

Each request for a hearing must also be served, by delivering it personally or by mail to:

- 1. The applicant, Cintichem, Inc. to the attention of Mr. J. J. McGovern, President/Plant Manager, P.O. Box 816, Tuxedo, New York 10987; 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.

Any hearing that is requested and granted will be held in accordance with the Commission's Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings in 10 CFR Part 2, Subpart L.

For further details with respect to the proposed action, see the licensee's request for license amendment dated April 17, 1991, which is available for inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC.

Dated at Rockville, Maryland this 15th day of May, 1991

FOR THE NUCLEAR REGULATORY COMMISSION



John H. Austin, Chief
Decommissioning and Regulatory
Issues Branch
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cc: w/enclosure: Attached list

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