



70-687

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 6, 1997

Mr. James J. McGovern
President/Plant Manager
Cintichem, Inc.
P.O. Box 816
Tuxedo, New York 10987

Dear Mr. McGovern:

I am writing in response to your letter, dated February 20, 1997, requesting an amendment to Condition H of your radioactive materials license. Condition H requires that Cintichem complete the decommissioning of its Tuxedo, New York, facility by January 16, 1996, unless good cause is shown, based on technical feasibility or risk reduction considerations, to extend this deadline. As summarized in your letter, additional contamination was discovered during final status surveys requiring additional remediation, and these additional remedial activities have extended the time required to perform final surveys.

The Nuclear Regulatory Commission staff typically requires that licensees include schedules for decommissioning projects in decommissioning plans, which are reviewed and approved as amendments to radioactive materials licenses, to ensure that licensees complete the decommissioning of their facilities in a timely manner. Cintichem has been actively decommissioning its Tuxedo, New York, facility since the approval of the decommissioning plan in January 1992, and has demonstrated significant progress in completing the project (currently most remedial activities have been completed and final and/or confirmatory surveys are underway). Therefore, the staff does not believe that Cintichem has acted in a manner that is inconsistent with the goal of completing the decommissioning project in a timely manner. In addition, the factors cited by Cintichem for not completing the decommissioning activities in accordance with Condition H meet the conditions for extending the completion date in Cintichem's radioactive materials license.

Based on these factors, the Nuclear Regulatory Commission staff has concluded that it is appropriate to extend the timeframe for completing the decommissioning of Cintichem's Tuxedo, New York, facility until December 31, 1997. Therefore, your license is amended to reflect that the completion date for the decommissioning is December 31, 1997. A copy of this amendment is enclosed.

This amendment does not relieve Cintichem from responding to the Severity Level IV violation identified in the letter of February 6, 1997, from Mr. John R. White of NRC's Region I office. The requirements of that letter in response to the noted violation are not changed by this amendment.

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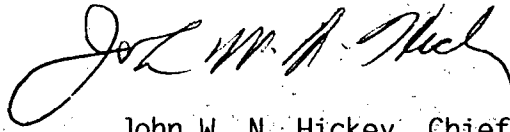
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J. McGovern

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If you have any questions concerning this matter, please contact
Dominick A. Orlando at (301)-415-6749.

Sincerely,



John W. N. Hickey, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

License No. SNM-639
Docket No. 70-687

Enclosure: As stated

cc: Cintichem dist. list

J. McGovern

-2-

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MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee 1. Cintichem, Inc. Sterling Forest Research Center 2. Tuxedo, NY 10987	3. License Number SNM-639 Amendment No. 8 4. Expiration Date December 15, 1996 5. Docket or Reference No. 070-00687
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|--|---|--|
| 6. Byproduct, Source, and/or Special Nuclear Material

A. Uranium-235
($\geq 20\%$ enriched)

B. Plutonium

C. Any Radioactive Material between Atomic Nos. 3 and 83 inclusive mingled with SNM and authorized for possession under New York State byproduct license No. 729-0322 | 7. Chemical and/or Physical Form

A. Any form

B. Encapsulated Sources

C. Any | 8. Maximum Amount that Licensee May Possess at Any One Time Under This License

A. 350 gm of contained U-235

B. 80 gm Pu-Be neutron source |
|--|---|--|
9. Authorized Use: For possession and storage at the site of the Cintichem, Inc. facility in Tuxedo, NY. Use as necessary in the decommissioning of the reactor building, hot laboratory building and waste storage building and areas associated with the operations carried out under license SNM-639.
10. Conditions:
- A. Licensed material shall be possess. used and stored at the Cintichem, Inc. facility located on Long Meadow Road in Tuxedo, NY.

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Amendment No. 8

10. Conditions:

- B. Licensed material shall be used or under the supervision of the decommissioning Project Manager.
- C. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including all enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern, unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- | | |
|------------------------|----------------------------|
| 1. October 19, 1990, | 17. October 22, 1992, |
| 2. January 11, 1991, | 18. November 6, 1992, |
| 3. January 14, 1991, | 19. December 15, 1992, |
| 4. January 28, 1991, | 20. July 15, 1993, |
| 5. February 19, 1991, | 21. August 26, 1993, |
| 6. March 8, 1991, | 22. August 27, 1993, |
| 7. April 17, 1991, | 23. October 1, 1993, |
| 8. April 24, 1991, | 24. January 3, 1994, |
| 9. May 21, 1991, | 25. February 1, 1994, |
| 10. June 25, 1991, | 26. March 31, 1994, |
| 11. July 17, 1991, | 27. October 17, 1994, |
| 12. August 6, 1991, | 28. December 8, 1994, |
| 13. October 2, 1991, | 29. December 16, 1994, |
| 14. January 8, 1992, | 30. November 14, 1996, and |
| 15. February 19, 1992, | 31. February 20, 1997. |
| 16. July 15, 1992, | |
- D. In addition to the statements, representations and procedures made in the aforementioned letters, the licensee will conduct decommissioning operations, in accordance with the statements, representations and procedures outlined in the licensee's request to renew license SNM-639 dated September 15, 1989, and letter dated June 29, 1990, unless the statements, representations and procedures, in the aforementioned letters, are not appropriate to the decommissioning activities or the Commission's regulations are more restrictive.
- E. The licensee may make minor changes to the conditions described in this license, without a license amendment, provided that:
1. These changes do not involve an unreviewed safety question;
 2. The changes do not cause a significant increase in radiation exposure to employees or;

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3. The changes do not cause a decrease in the protection of the public health and safety and the environment offered by the existing license condition.

A change shall be deemed to involve an unreviewed safety question, if an accident analysis for the change: (i) results in consequence values exceeding the values of the accident analysis described in the licensee's decommissioning plan, as supplemented, or the probability of occurrence for the types of events there evaluated is judged to increase; (ii) reveals a possibility for an accident of a different type, than previously evaluated or; (iii) the margin of safety defined in the basis for any technical specification is reduced.

Prior to initiating any changes to the license conditions allowed under Condition E, the licensee shall prepare a safety evaluation of the effect of the change. This evaluation shall be reviewed and approved by the licensee's Nuclear Safeguards Committee and, as appropriate, the licensee's Radiation Safety/ALARA Committee, and shall provide the basis for determining that the change will not involve an unreviewed safety question, a significant increase in radiation exposure to employees or a decrease in the protection of the public health and safety and the environment offered by the existing license condition. Records of evaluations and approvals of changes shall be maintained by the licensee.

- F. The licensee shall decontaminate the reactor building, hot laboratory building, waste building and areas associated with the operations carried out under license SNM-639 to the unrestricted release criteria outlined in Table 5 of Section 38.29 of 12 NYCRR 38. In those instances where NRC and New York State criteria differ, the more restrictive criteria will apply. In addition to the criteria outlined above, the licensee shall ensure that:
1. Prior to demolition all buildings and structures exhibit exposure rates of less than 5 μ R/hr above background at one meter;
 2. The results of all soil characterization data are submitted to, approved by, and verified by NRC prior to release of the site. NRC's evaluation will ensure that exposure to this soil will not result in a dose to the public in excess of the criteria established in Condition G, following unrestricted release of the site.
- G. The licensee shall develop residual soil contamination limits that the licensee intends to use as unrestricted release criteria. Those criteria will be based on the principle that residual contamination shall be as low as reasonably achievable (ALARA). The licensee shall submit these limits to NRC for evaluation, within 6 months of the effective date of this amendment. This deadline may be extended by the Commission, if the licensee demonstrates good cause based on technical feasibility (including circumstances that arise which were not foreseeable or were beyond the control of the licensee). Upon review and approval by NRC, the licensee shall ensure that all soil remaining on-site at the completion of the decommissioning operations is within these criteria.

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- H. As outlined in the licensee's decommissioning plan, as supplemented, the licensee shall complete the decommissioning by December 31, 1997. This deadline may be extended by the NRC, if the licensee demonstrates good cause based on technical feasibility (including circumstances that arise which were not foreseeable or were beyond the control of the licensee) or risk reduction considerations.
- I. The licensee shall maintain records of information important to safe and effective decommissioning at the Cintichem facility located on Long Meadow Road in Tuxedo, NY per the provisions of 10 CFR §70.38.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: March 6, 1997By: John W. N. Hickey

John W. N. Hickey, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
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FOR THE NUCLEAR REGULATORY COMMISSION
 [Original signed by]

Date: March 6, 1997

By:

John W. N. Hickey, Chief
 Low-Level Waste and Decommissioning
 Projects Branch
 Division of Waste Management
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