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Union Carbide Corporation  
 ATTN: R.E. Bollinger, Vice President  
 General Manager, Nuclear Products  
 Sterling Forest Laboratory  
 P.O. Box 234  
 Tuxedo, New York 10987

Gentlemen:

In response to your letter of June 19, 1981, we have modified the February 11, 1981, Order to allow you, if you so elect, to integrate the requested radiological contingency planning information into your site-wide emergency preparedness plan. We have extended, for that purpose, the period for you to prepare and submit the requested information to November 3, 1981.

An application for a license amendment to incorporate the site-wide plan as a license condition should be submitted. It is our intention, that, regarding conditions in such a plan, the licensee will be provided flexibility to make changes without staff approval, provided such changes do not decrease the effectiveness of the plan, similar to such flexibility provided under 10 CFR §70.32(d).

Sincerely,

Original Signed by  
 Richard E. Cunningham

Richard E. Cunningham, Director  
 Division of Fuel Cycle and  
 Material Safety, NMSS

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
Union Carbide Corporation )  
Medical Products Division )  
P. O. Box 234 )  
Tuxedo, New York 10987 )

Docket No. 70-687  
Special Nuclear Materials  
License No. SNM-639

MODIFICATION OF FEBRUARY 11, 1981 ORDER

I

The Union Carbide Corporation with facilities in Tuxedo, New York ("the licensee") is the holder of Special Nuclear Materials License No. SNM-639 ("the license"), Docket No. 70-687, issued by the Nuclear Regulatory Commission ("the NRC"). The license includes authorization for the possession of 13 kgs of U-235, as enriched uranium and other isotopes in small quantities. The licensee operates on the same site a 5000 KW research reactor, Docket 50-54, license Number R-81. Also, the licensee conducts activities on the same site licensed by the State of New York, License No. 729-0322.

II

On February 11, 1981, the NRC, in an Order to Modify License, ("the Order"), 46 Fed. Reg. 12566 (February 17, 1981) directed the licensee to submit for review within 120 days after the effective date of the Order: (1) a radiological contingency plan prepared in accordance with Enclosure 1 of the Order and an application for license amendment to incorporate such plan, as approved, as a condition of the license; or, alternatively, (2) an

application for license amendment to reduce the possession limits for radioactive materials below those specified in Enclosure 2 of the Order.

The licensee has indicated the desire to prepare a single site-wide emergency plan in contrast to separate plans for the various licensed activities and facilities. It has been noted that duplicate plans could cause confusion during emergency responses. The NRC recognizes the safety advantages of a single site-wide emergency plan in contrast to separate plans for the various licensed activities and facilities and has determined that overall safety would be enhanced by having a single site-wide emergency plan covering all licensed activities and facilities conducted and operated at the Tuxedo, New York site by the licensee. The licensee must update emergency preparedness planning for its reactor within one year of November 3, 1980, the effective date of the amendments to 10 CFR Part 50, §§50.33, 50.47 and Appendix E, 45 Fed. Reg. 55402 (August 19, 1980), relating to emergency preparedness. The Director has determined that deferral of submittal of radiological contingency planning information relative to activities conducted under License No. SNM-639 until November 3, 1981 in order to facilitate its effective integration into a site-wide emergency preparedness plan is consistent with the NRC mission of protecting the public health and safety.

### III

Accordingly, pursuant to Sections 161b and 161o of the Atomic Energy Act of 1954, as amended, §70.32(b)(2) of 10 CFR Part 70, and §2.204 of 10 CFR

Part 2, IT IS ORDERED that Part V of the Order signed February 11, 1981, be amended to include a third alternative as follows:

- (3) On or before November 3, 1981, the licensee shall submit a site-wide emergency preparedness plan which addresses emergency preparedness for licensed activities and facilities consonant with the requirements of 10 CFR Part 50, §§50.33, 50.47 and Appendix E, as amended, effective November 3, 1980, and the information requirements specific to activities conducted under License No. SNM-639 specified in Enclosure 1 of the Order and an application for amendment of License No. SNM-639 to incorporate the plan as license conditions.

#### IV

The licensee or any other person who has an interest affected by this Modification of Order may request a hearing on this Modification of Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Modification of Order.

