

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 NRC's Public Document Room, 2120 L Street NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 31st day of May 1996.

For the Nuclear Regulatory Commission.

Robert A. Nelson,

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

[FR Doc. 96-14235 Filed 6-5-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket No.: 040-08724]

Finding of No Significant Impact Related To Amendment To Materials License SUB-1357, Chemetron Corporation, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Finding of No Significant Impact associated with amendment to Materials License SUB-1357, Chemetron Corporation, Inc., Cuyahoga Heights, Ohio, to authorize remediation of Harvard Avenue site.

The U.S. Nuclear Regulatory Commission is considering issuing an amendment of Materials License No. SUB-1357, held by Chemetron Corporation, Inc., to authorize the remediation of the Harvard Avenue site located on Harvard Avenue in Cuyahoga Heights, Ohio.

Environmental Assessment Summary
Background

By the letter of March 24, 1994, Chemetron Corporation, Inc., (Chemetron) requested that NRC amend its license to authorize it to perform the remediation of the Harvard Avenue and Bert Avenue sites in accordance with its remediation plan entitled, "Site Remediation Plan, Chemetron Remediation Project, Harvard and Bert Avenue Sites, Chemetron Corporation, Inc., Newburgh Heights, Ohio," Revision 1, dated February 25, 1995. This remediation plan also included Chemetron's plans for remediating buildings, adjacent to the Harvard Avenue site, owned by the McGean-Rohco, Inc., that are contaminated with radioactive material. By letter of May 18, 1995, Chemetron requested NRC staff to expedite and separately review the remediation of the Harvard Avenue site so that remediation would not be

delayed due to the required Ohio Environmental Protection Agency (OEPA) review of the solid waste issues at the Bert Avenue site, under the jurisdiction of OEPA.

Following the review of the portions of the Chemetron Final Remediation Plan for Harvard Avenue and Bert Avenue sites that addressed the McGean-Rohco building remediation, NRC staff published, in the Federal Register (FR), on August 5, 1994, a Finding of No Significant Impact (FONSI) and an environmental assessment for the McGean-Rohco complex remediation. On August 9, 1994, NRC staff issued Amendment 4 to the Chemetron license authorizing Chemetron to conduct the McGean-Rohco building remediation. On August 9, 1994, NRC staff also issued a Safety Evaluation Report for the proposed remediation of the McGean-Rohco complex.

Proposed Action

In this action, Chemetron is proposing to utilize onsite disposal, under 10 CFR 20.2002, at the Harvard Avenue facility, for wastes, from the remediation of the Harvard Avenue site, with concentrations up to the Option 2 limit in the NRC's Branch Technical Position on "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (1981 BTP). If wastes, that exceed the Option 2 concentration limits in the 1981 BTP, are discovered at the Harvard Avenue site, these wastes would be shipped offsite, to a licensed low-level waste disposal site.

Need for Proposed Action

The purpose of the proposed action is to decommission the Harvard Avenue site, by removing depleted uranium contamination in soils and building rubble, so that the site can be released for unrestricted use. Remediating the site will allow Chemetron to release the site back to the site owner, McGean-Rohco, Inc., and to remove the site from Chemetron's NRC license.

Environmental Impacts of Proposed Action

The NRC staff reviewed the levels of contamination, the proposed remediation methods, and the radiological and environmental controls that will be used during the remediation. These controls include worker dosimetry, the As Low As Is Reasonably Achievable (ALARA) program, air monitoring, routine surveys, a bioassay program for workers, and routine monitoring of both airborne and liquid effluent releases to meet 10 CFR Part 20 radiation protection

requirements. Worker and public doses will be limited so that exposures will not exceed 10 CFR Part 20 requirements.

Chemetron proposed to remediate the Harvard Avenue site in accordance with "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, and Special Nuclear Materials," dated August 1987. Chemetron also proposed to dispose of depleted uranium wastes onsite in accordance with the 1981 BTP. Based on uranium solubility testing of the Harvard Avenue wastes, the maximum depleted uranium concentration that is acceptable for disposal in the disposal cell is 7.4 Bq/gm (200 pCi/gm) total uranium.

The staff also analyzed the radiological impacts to the public from the disposal of depleted uranium contaminated soils and building rubble in the proposed onsite disposal cell. Radiological impacts to members of the public will result from inhalation and ingestion of releases of radioactivity in air and in water during the remediation operations and direct exposure to radiation from radioactive materials at the site during remediation operations. The public will also be exposed to radiation as a result of the onsite disposal. Decommissioning workers will receive doses primarily by inhalation and direct exposure during the remediation activities. In addition to impacts from routine operations, the potential radiological consequences of accidents were considered.

The licensee provided an estimate of the dose to the public from airborne effluents to be generated during the excavation activities associated with the decommissioning of Harvard Avenue site. The maximum public dose from airborne effluents is 0.02 mSv (2 mrem) for the Harvard Avenue site. The staff performed a more conservative, independent analysis of the potential for public exposure from airborne effluents. The staff estimated the dose to the nearest resident during excavation of soil at the Chemetron Harvard Avenue site to be approximately 0.09 mSv (9 mrem).

The licensee performed dose assessments for the Harvard Avenue disposal cell using the RESRAD computer code, Version 5.05. The RESRAD code calculates dose impacts assuming a resident-farmer scenario, where an individual would construct a residence, live there, grow food, and consume all drinking water from a conservatively located groundwater well. Radiation doses were calculated to be 0.132 mSv/yr (13.2 mrem/yr) at 1000 years and peak at 0.142 mSv/yr (14.2

mrem/yr) at 2150 years after construction of the disposal cell. These predicted doses are less than NRC's limit of 1 mSv/yr (100 mrem/yr) for radiation doses to the public in 10 CFR Part 20. These doses reflect the worst case scenario with the proposed cover over the disposal cell assumed to have been removed.

NRC staff verified Chemetron's RESRAD code analyses, using Version 5.05, and obtained the same results as Chemetron. NRC staff also ran the calculations using an individual groundwater consumption rate of 730 l/yr, as recommended in NRC Policy and Guidance Directive PG-8-08, "Scenarios for Assessing Potential Doses Associated with Residual Radioactivity." Chemetron assumed a consumption rate of 510 l/yr, recommended in Argonne National Laboratory's ANL/EAIS-8, "Data Collection Handbook to Support Modeling the Impacts of Radioactive Material in Soil." The peak dose, assuming a cover, was computed to be 0.26 mSv/yr (26 mrem/yr) at 2160 years after disposal. At 1000 years after disposal, the dose would be 0.22 mSv/yr (22 mrem/yr). The peak dose, assuming no cover, was computed to be 0.20 mSv/yr (20 mrem/yr) at 2150 years after disposal. At 1000 years after disposal, the dose would be 0.185 mSv/yr (18.5 mrem/yr). The above doses estimated for the public are substantially less than the 1 mSv/yr (100 mrem/yr) limit for exposures to the public in 10 CFR Part 20.

During the remediation of the contaminated materials, workers will receive doses from direct exposure and from the inhalation of dusts containing depleted uranium. From direct exposure, assuming the maximum measured background radiation levels at the Harvard Avenue site of 0.2 mSv/month (20 mrem/month) and a 2000 hr exposure, Chemetron computed the direct exposure dose to be 0.55 mSv (55 mrem). Chemetron computed the inhalation dose to be 0.03 mSv (3 mrem). NRC staff reviewed and agrees with these calculations. The above doses are substantially below the 10 CFR Part 20 limit of 0.05 Sv/yr (5 rem/yr) for routine occupational exposure.

Based on the above evaluations, radiation exposures of persons living or traveling near the site due to onsite operations will be well within limits contained in NRC regulations and will be small in comparison to natural background radiation. The licensee has a radiation protection program that will maintain radiation exposures and effluent releases within the limits of 10 CFR Part 20 and will maintain

exposures as low as is reasonably achievable.

The NRC staff reviewed the licensee's estimated potential consequences of postulated accidents. The licensee evaluated two worst case accident scenarios—a truck tipping over releasing its contents and a truck fire causing radioactivity to be dispersed into the air. The scenarios assumed the maximum total uranium concentration of 507 Bq/gm (13,700 pCi/gm) total uranium found at the Bert Avenue site in Chemetron's site characterization. This concentration is substantially higher than the maximum total uranium concentration of 5.9 Bq/gm (160 pCi/gm) at the Harvard Avenue site. Receptors 10 meters away would receive a dose of $4.3E-4$ mSv ($4.3E-2$ mrem) from the truck spill accident and 0.04 mSv (4 mrem) from the truck fire accident. These postulated accidents do not have the potential for onsite or offsite radiation doses that exceed the minimum Protective Action Guide level of 1 Rem, recommended in the U.S. Environmental Protection Agency's "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," or above the 10 CFR Part 20 limit of 0.05 Sv (5 Rem/yr) for routine occupational exposure.

No wastes that exceed the Option 2 limits in the 1981 BTP are expected at the Harvard Avenue site. However, if wastes that exceed the Option 2 limits are discovered, the wastes will be shipped offsite to a licensed low-level waste disposal site. Wastes will be packaged and shipped in containers or covered railcars or trucks in accordance with NRC and Department of Transportation requirements. Wastes will be disposed of in accordance with the disposal site license conditions. Therefore, there are no expected impacts from the transportation or offsite disposal of radioactive materials.

The NRC staff also considered nonradiological impacts and concluded that all such impacts are negligible.

Chemetron has identified, at the Harvard Avenue site, no solid wastes and hazardous wastes, as defined under the Resource, Conservation, and Recovery Act (RCRA) that will need to be managed in accordance with the requirements of the OEPA. If such wastes are encountered, the wastes will be managed in accordance with OEPA requirements. Any impacts for handling RCRA solid and hazardous wastes, if identified, are expected to be small.

Based on the very low minority populations in Cuyahoga Heights, Ohio, and in Newburgh Heights, Ohio, which borders the Harvard Avenue site, and income statistics that show no

significant low-income populations compared with those in Cuyahoga County and in the State of Ohio, there will be no significant impacts to minorities and low-income households from the proposed activities.

The proposed remediation of the Harvard Avenue site will enable Chemetron to release the site for unrestricted use. On the basis of the NRC staff's evaluation of Chemetron's proposed remediation approach for the Harvard Avenue site, and analysis of the environmental impacts of the proposed action, the staff concludes that the proposed remediation activities will not result in any significant environmental or radiological impact.

Alternatives to the Proposed Action

The staff evaluated the following alternatives to the proposed action: (1) leaving the depleted uranium in place; (2) delaying the remediation; (3) disposing of contamination at an existing licensed low-level radioactive disposal site; (4) applying volume reduction methods to the contaminated materials; and, (5) onsite disposal. Alternatives 1 and 2 would not allow the license to be terminated and would be unacceptable. There are no significant environmental impacts associated with Alternatives 3, 4, and 5. However, Alternatives 3 and 4 are substantially more expensive than Alternative 5, the licensee's proposed option. Based on this evaluation, NRC staff concludes that there are no reasonably available alternatives to the licensee's proposed plan that are obviously superior.

Agencies and Persons Consulted, and Sources Used

This environmental assessment was prepared by staff of the U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Rockville, MD, and Region III, Lisle, IL.

During the review of Chemetron's Final Site Remediation Plan, NRC requested comments from the Mayor of Newburgh Heights, the Ohio Department of Health (ODH), the OEPA, and the Cuyahoga County Board of Health (CCBH). NRC received formal comments from ODH and CCBH, and informal comments from OEPA. The principle comments received from ODH and OEPA were that NRC should require post-closure controls and monitoring, for the radiologic components in the waste, after completion of the onsite disposal cells. These controls would be consistent with the post-closure controls required by OEPA for solid waste landfills. NRC staff indicated that under the conditions

of onsite disposal under the Option 2 limits of the 1981 BTP the Harvard Avenue site could be released for unrestricted use, and doses to hypothetical intruders, who might construct homes and consume groundwater and foodstuffs grown in the wastes, would be acceptable. The principle comments made by CCBH were to correct technical inconsistencies, in the Site Remediation Plan, related to the design of the proposed Bert Avenue disposal cell.

A draft of this environmental assessment was also transmitted to ODH, OEPA, CCBH, and the Mayor of Newburgh Heights, Ohio. The CCBH, OEPA, and the Mayor of Newburgh Heights had no comments on the draft EA. ODH concurred with the dose assessment modeling results, and indicated that the proposed action will be protective of public health. ODH also commented that they desired a mechanism for detecting disposal cell failure and deed restrictions that would limit any type of activity that might jeopardize disposal cell integrity. As indicated above, NRC staff consider that under the Option 2 disposal conditions, the Harvard Avenue site can be released for unrestricted use, without post-closure controls related to radioactive materials.

The NRC staff requested a review by the Ohio Historic Preservation Office (OHPO) of the Harvard Avenue property. The OHPO concluded that the project, if completed as proposed, would have no effect on properties listed on or eligible for the National Register of Historical Places.

No other sources of information were used beyond those which are referenced in the report.

Finding of No Significant Impact

Based on the environmental assessment, the Commission concludes that the issuance of the license amendment will not have a significant impact on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

Opportunity for a Hearing

On April 11, 1994, the NRC published in the *FR* a notice of Consideration of Amendment to Chemetron Corporation License and Opportunity for Hearing (59 FR 17124) with respect to the matters covered in the amendment that is the subject of this notice. In response to that notice, Earth Day Coalition submitted a petition for hearing. On July 7, 1994, the Presiding Officer granted a three week period for Earth Day Coalition to

supplement a deficient hearing request. The Coalition's petition failed to demonstrate that the NRC's standing requirements were met and that its concerns were germane to the subject matter of the proceeding. Because the Coalition did not file the supplemental information, on September 1, 1994, the Presiding Officer dismissed the proceeding. Accordingly, the agency has complied with its rules in 10 CFR Part 2, Subpart L, and no further offer of an opportunity for a hearing is made regarding the subject matter of this notice.

The environmental assessment and the documents related to this proposed action are available for public inspection and copying at the NRC's Public Document Room, 2120 L Street, N.W., Washington, DC 20555, and the NRC's Local Public Document Room at the Garfield Heights Branch Library, 5409 Turney Road, Garfield Heights, Ohio, (Docket No. 040-08724).

For additional information, contact Timothy C. Johnson, Section Leader, Materials Decommissioning Section, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, (310) 415-7299.

Dated at Rockville, Maryland, this 31st day of May 1996.

For the Nuclear Regulatory Commission
Robert A. Nelson,

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

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Advisory Committee on Nuclear Waste; Renewal Notice

AGENCY: U.S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of renewal of the Advisory Committee on Nuclear Waste for a period of two years.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has determined that renewal of the Charter for the Advisory Committee on Nuclear Waste for the two year period commencing on May 30, 1996, is in the public interest in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the Advisory Committee on Nuclear Waste is to provide advice to the U.S. Nuclear

Regulatory Commission (NRC) on nuclear waste disposal facilities, as directed by the Commission. This includes 10 CFR Parts 60 and 61 and other applicable regulations and legislative mandates such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act, and the Uranium Mill Tailings Radiation Control Act, as amended. The primary emphasis will be on disposal facilities. In performing its work, the Committee will examine and report on those areas of concern referred to it by the Commission or its designated representatives, and will undertake other studies and activities related to those issues as directed by the Commission. The Committee will interact with representatives of NRC, ACRS, other federal agencies, state and local agencies, Indian Tribes, private organizations, etc., as appropriate to fulfill its responsibilities.

For Further Information Please Contact: John T. Larkins, Executive Director of the Committee, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-7360.

Dated: May 30, 1996.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

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OFFICE OF GOVERNMENT ETHICS

Extension and Revocation of Post-Employment Waiver

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice; extension and revocation of waiver.

SUMMARY: The Office of Government Ethics is giving notice of the extension, for up to an additional four months (until November 1, 1996 or the effective date of any corrective legislation, if earlier), of a short-term post-Government employment waiver of certain "senior employee" restrictions it granted earlier this year to position holders who, but for the pay raise authorized by Executive Order 12984 (or a pay raise tied thereto), would not receive a rate of basic pay equal to or greater than the rate of basic pay for level V of the Executive Schedule. This additional extension is provided to allow time for full consideration of legislation pending in this Congress which contains a new definition of "senior employee" complementary to this waiver. This shall also serve as