salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Linda Allen-Benton,

Deputy Director, Division of Human Resource Management, Acting Committee Management Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040–08724]

Finding of No Significant Impact Related to Amendment of Materials License No. SUB–1357, Chemetron Corporation, Inc., Newburgh Heights, OH

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 Bert Avenue site located on Bert Avenue in Newburgh Heights, Ohio.

Summary of Environmental Assessment

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 (Reference 1). 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.

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, on August 5, 1994, a Finding of No Significant Impact and an environmental assessment for the McGean-Rohco complex remediation (Reference 2). 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. On June 6, 1996, NRC staff published in the Federal Register a Finding of No Significant Impact and an environmental assessment for the Harvard Avenue site remediation (Reference 3). On June 7, 1996, NRC staff issued Amendment 5 to the Chemetron license authorizing Chemetron to remediate the Harvard Avenue site and a Safety Evaluation Report for the remediation.

The environmental assessment for the Bert Avenue remediation is available for inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, and at the Local Public Document Room at the Garfield Heights Branch Library, 5409 Turney Road, Garfield Heights, Ohio (Docket Number 040–08724).

Proposed Action

In this action, Chemetron is proposing to utilize onsite disposal, under 10 CFR 20.2002, at the Bert Avenue facility, for wastes, from the remediation of the Bert 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) (Reference 4). Wastes, that exceed the Option 2 concentration limits in the 1981 BTP, will 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 Bert 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 for unrestricted use and to remove the site from Chemetron's NRC license.

Environmental Assessment

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 Bert 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 (Reference 5). They also proposed to dispose of depleted uranium wastes onsite in accordance with the 1981 BTP (Reference 4). Based on uranium solubility testing of the Bert Avenue wastes, the maximum depleted uranium concentration that is acceptable for disposal in the disposal cell is 5.98 Bq/gm (161 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 may 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 may also be exposed to radiation as a result of the onsite disposals. Decommissioning workers may 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 Bert Avenue site. The maximum public dose from airborne effluents is 0.04 mSv (4 mrem) for the Bert Avenue site. The staff performed a 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 Bert Avenue site to be approximately 0.24 mSv (24 mrem).

The NRC staff performed dose assessments for the Bert Avenue disposal cell using the RESRAD computer code, Version 5.61 (Reference 6) and the NEFTRAN II computer code (Reference 7). 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. Over a 1000 year period, the peak radiation doses were calculated to be 0.28 mSv/yr (28 mrem/yr) at 1000 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 computed groundwater doses for time periods after 1000 years using the NEFTRAN II code. The peak groundwater dose at a hypothetical well 150 m (500 ft) rom the Bert Avenue site at a depth of about 8 m (25 ft) below the base of the disposal cell would be 0.22 mSv/yr (22 mrem/yr) at 8000 years. The peak groundwater dose at a well 1500 m (5000 ft) from the Bert Avenue site at a depth of 76 m (250 ft) below the base of the disposal cell would be 0.02 mSv/yr (2 mrem/yr) at 65,000 years. The latter well location represents a realistic location for a groundwater well based on the regional geohydrological conditions. NRC staff also calculated groundwater doses assuming the groundwater table rises to the natural level of the filled-in ravine. The resulting dose is 1.0E–5 mSv/yr (0.001 mrem/yr) at 1000 years and 2.0E–4 mSv/yr (0.02 mrem/yr) at 10,000 years. 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 Bert Avenue site of 0.4 mSv/yr (40 mrem/yr) and a 2000 hr exposure, Chemetron computed the direct exposure dose to be 0.091 mSv (9.1 mrem). Chemetron computed the inhalation dose to be 0.12 mSv (12 mrem). 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 should maintain exposures as low as is reasonably achievable.

Chemetron and the NRC staff also evaluated the radiological impacts from hypothetical 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. Receptors 10 m (33 ft) 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 0.01 Sv (1 Rem), recommended by the U.S. Environmental Protection Agency (Reference 8), or above 10 CFR part 20 limit of 0.05 Sv (5 Rem/yr) for routine occupational exposure.

Chemetron estimated that 15,000 m^3 of wastes exceeding the Option 2 limits in the 1981 BTP are expected at the Bert Avenue site. These 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 disposal site license requirements. Therefore, there are no significant 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 Bert Avenue site solid wastes, but no 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 Ohio Environmental Protection Agency (OEPA). Solid wastes have been considered in OEPA's approval of Chemetron's ''Final Site Closure/Post-Closure Plan, Bert Avenue'' (Reference 9). If hazardous wastes are encountered, these 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 Newburgh Heights, Ohio, and Cuyahoga Heights, Ohio, 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 in Newburgh Heights and Cuyahoga Heights.

Conclusions

The proposed remediation of the Bert 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 Bert 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

Alternatives analyzed in the EA included (1) leaving the depleted uranium in place; (2) delayed remediation; (3) disposal of contaminated material at an offsite low-level radioactive waste disposal site; (4) waste processing to reduce the volume of waste to be disposed at an offsite low-level waste disposal site; and (5) onsite disposal.

Leaving the depleted uranium in place would result in the necessity of maintaining radiological controls and training requirements. Without remediation of the contamination, the site could not be released for unrestricted use.

Delaying remediation would result in higher costs for site controls and higher future costs for remediation. Because of the long half-life of uranium, there will be no significant decay.

Disposing of wastes at an offsite low-level waste disposal site would cost between $15,000,000 and $20,000,000. An additional $2,300,000 is estimated to be required to close the site to meet OEPA solid waste requirements. No significant radiological nor non-radiological impacts would be expected in this alternative.

Treating contaminated soils and rubble to remove depleted uranium and reduce the volume of wastes required to be disposed at an offsite low-level radioactive waste disposal facility is estimated to cost between $9,000,000 and $12,000,000. An additional $2,300,000 is estimated to be required to close the site to meet OEPA solid waste requirements. No significant radiological nor non-radiological impacts would be expected in this alternative.

Onsite disposal as proposed by the licensee would cost approximately $5,300,000 and would address OEPA solid waste issues. No significant radiological nor non-radiological impacts would be expected in this alternative.

The NRC staff concludes that there are no reasonably available alternatives to the licensee's proposed plan that are obviously superior.

Alternative Use of Resources

The activities leading to the proposed action would result in the irreversible use of energy resources in the conduct of the proposed Bert Avenue remediation. There are no reasonable alternatives to these resource uses, and the proposed activities do not involve any unresolved conflicts concerning uses of available resources.

Agencies and Persons Consulted, and Sources Used

The environmental assessment on which the finding of no significant impact is based was prepared by NRC staff in the 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 Ohio Department of Health (ODH), OEPA, and the Cuyahoga County Board of Health (CCBH).

NRC received formal comments from ODH and CCBH, and informal comments from OEPA. The principal 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 (Reference 4) the Bert 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. Chemetron has agreed to perform analyses for gross alpha, gross beta, and total uranium in the groundwater sampling program to be conducted as part of OEPA post-closure monitoring program.

The principal comments made by CCBH were technical comments related to the design of the proposed Bert Avenue disposal cell.

A draft environmental assessment was provided to ODH, OEPA, CCBH, and the Mayor of Newburgh Heights for comment. Other than ODH, there were no comments received. The ODH staff indicated that the State of Ohio does not wish to have a number of small low-level waste sites across the site, and they suggested that environmental monitoring be required when the project is completed. Chemetron has agreed to perform analyses for gross alpha, gross beta, and total uranium in the groundwater sampling program to be conducted as part of OEPA post-closure monitoring program.

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

Finding of No Significant Impact

The NRC staff has prepared an EA evaluating the environmental impacts related to the license amendment requested from Chemetron Corporation, Inc., to authorize the remediation of the Bert Avenue site in accordance with their remediation plan. The EA examines the radiological impacts associated with these proposed activities. As indicated above, the EA did not identify any significant environmental impact associated with these proposed licensed amendment actions. The NRC staff concluded that a Finding of No Significant Impact (FONSI) is justified and appropriate.

Opportunity for a Hearing

On April 11, 1994, the NRC published in the Federal Register a notice of Consideration of Amendment to Chemetron Corporation License and Opportunity for Hearing. In response to that notice, the 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 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.

References

1. Chemetron Corporation, ''Site Remediation Plan, Chemetron Remediation Project, Harvard Avenue and Bert Avenue Sites,'' Revision 1, February 28, 1995.

2. Nuclear Regulatory Commission, Environmental Assessment Finding of No Significant Impact Related to Amendment of Materials License No. SUB–1357, Chemetron Corporation, Inc., Cuyahoga Heights, OH, Federal Register, Vol. 59, No. 150, August 5, 1994, p. 40057.

3. Nuclear Regulatory Commission, Environmental Assessment Finding of No Significant Impact Related to Amendment of Materials License No. SUB–1357, Chemetron Corporation, Inc., Cuyahoga Heights, OH, Federal Register, Vol. 61, No. 110, June 6, 1996, p. 28906.

4. U.S. Nuclear Regulatory Commission, Branch Technical Position, ''Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations,'' Federal Register, Vol 46, No. 205, October 23, 1981, p. 52061.

5. U.S. Nuclear Regulatory Commission, ''Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of License for Byproduct, Source or Special Nuclear Material,'' August 1987.

6. Argonne National Laboratory, ''Manual for Implementing Residual Radioactive Material Guidelines Using RESRAD, Version 5.0,'' ANL/EAD/LD–2, September 1993.

7. Olague, N.E., ''User's Manual for the NEFTRAN II Computer Code,'' NUREG/CR–5618, Sandia National Laboratories, February 1991.

8. U.S. Environmental Protection Agency, ''Manual of Protective Action Guides and Protective Actions for Nuclear Incidents,'' EPA 400–R–92–001, Revised 1991.

9. Chemetron Corporation, ''Final Site Closure/Post-Closure Plan, Bert Avenue,'' December 5, 1994.

Dated at Rockville, Maryland, this 4th day of February 1997.

For the 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.

[FR Doc. 97–3177 Filed 2–7–97; 8:45 am]

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[Docket Nos. STN 50–454, STN 50–455, STN 50–456 and STN 50–457]

Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois and Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendments would revise the technical specifications (TS) to allow ComEd to take credit, on a temporary basis, for soluble boron in the spent fuel storage water in maintaining an acceptable margin of subcriticality.

Before issuance of the proposed license amendments, the Commission will have made findings required by the