

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 030-04593, 040-02253, 070-00263]

Termination of Watertown Arsenal Licenses and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTIONS: Notice of intent to terminate radioactive material license numbers 20-01010-04 and SNM-00244, to amend radioactive material license number SUB-00238 and notice of an opportunity to request a hearing on the proposed actions.

SUMMARY: This notice is to inform the public that the Nuclear Regulatory Commission intends to terminate NRC radioactive material license numbers 20-01010-04 and SNM-00244, to amend NRC radioactive material license number SUB-00238, and to provide interested individuals with an opportunity to request a hearing on the proposed NRC actions. Radioactive material license numbers 20-01010-04, SNM-00244, and SUB-00238 were issued to the Department of the Army authorizing the use of radioactive materials at the U.S. Army Research Laboratory (ARL), Watertown, Massachusetts. NRC intends to terminate radioactive material license numbers 20-01010-04 and SNM-00244, and amend radioactive material license number SUB-00238 to remove the ARL as a location of use, because remediation of residual radioactive material attributable to licensed operations at the ARL has successfully been completed and the facility is suitable for release for unrestricted use. License number SUB-00238 will remain active to authorize decommissioning activities at the portion of the ARL known as the Mall Property.

SUPPLEMENTARY INFORMATION: The majority of the licensed activities at the ARL involved work with depleted uranium. Beginning in the 1940s, research involved various machining operations, with munitions development commencing in the 1950s. The ARL has several large buildings that required significant remediation. The history of licensed activities at the ARL also indicated a potential for large volumes of contaminated soil. In 1992, NRC staff added the Watertown Arsenal/Mall site, which includes the ARL and the portion of the facility referred to as the Mall Property, to the NRC's Site Decommissioning Management Plan list to ensure the timely and effective cleanup of the site.

The licensee conducted a radiological field survey at the ARL from October 1991 to January 1992. The survey was a characterization of the buildings and grounds. Additional surveys were conducted during remediation activities. The surveys identified contamination in nine buildings at the facility.

Remediation of the ARL began in June 1992 and was completed in late 1994. Remediation methods varied from general cleaning of surfaces to extensive demolition. Approximately 95,000 cubic feet of solid radioactive waste was generated during facility decommissioning activities.

To support their request to terminate radioactive material license numbers 20-01010-04 and SNM-00244, and to amend license number SUB-00238 to remove the ARL site as a location of use, the licensee determined the radiological status of the ARL by performing a final radiation survey of the facility and submitted the results of this survey to NRC for review. The results of the licensee's final survey indicate that residual radioactive material attributable to licensed operations on surfaces and in soil meet the release criteria specified in the licensee's approved decommissioning plan, which are lower than the current NRC criteria for unrestricted use. The results of the NRC confirmatory survey are in agreement with the licensee's final survey data. Region I staff reviewed the final survey and the confirmatory survey data and determined that the ARL meets NRC guidelines for release for unrestricted use for surface contamination and soil.

Consequently, NRC staff intends to terminate NRC license numbers 20-01010-04 and SNM-00244, to amend NRC license number SUB-00238 to remove the ARL as a location of use, and release the facility for unrestricted use. License number SUB-00238 will remain active to authorize decommissioning activities at the Mall Property. These licenses are covered by categorical exclusions in 10 CFR 51.22(c)(14)(v), (viii) and (xv), respectively. Therefore, no environmental assessment is needed to terminate or amend these licenses.

NRC hereby provides notice that termination of license numbers 20-01010-04 and SNM-00244, and the amendment of license number SUB-00238, are proceedings on licenses falling within the scope of Subpart L "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant

to § 2.1205(a), any person whose interest may be affected by these proceedings may file a request for a hearing in accordance with § 2.1205(c). 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 a 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 20852-2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);
3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Department of the Army, U.S. Army Research Laboratory, AMSRL-OP-WT, Caretaker Force, 395 Arsenal St., Watertown, MA 02172-2700 Attention: Kenneth F. Worth; and

2. NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For further details with respect to this action, interested individuals may review the documents associated with this action which are available for inspection at NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Persons desiring to review documents at the Region I Office should call Ms. Cheryl Buracker at (610) 337-5093 several days in advance to assure that the documents will be readily available for review.

Dated at Rockville, Maryland this 17th day of April, 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. 97-10523 Filed 4-22-97; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 29, 1997, through April 11, 1997. The last biweekly notice was published on April 9, 1997 (62 FR 17223).

Notice of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunith For A Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By May 23, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with