

issuance of an Order terminating Facility License No. R-81 for the Cintichem, Inc. (the licensee) Research Reactor located in Tuxedo, New York.

### Environmental Assessment

#### Identification of Proposed Action

By application dated October 19, 1990, as supplemented January 11, 14, 28, February 19, March 8, April 24, May 21, June 25, July 17, August 6, and October 2, 1991, the licensee requested authorization to dismantle the 5 Megawatt Research Reactor, dispose of the component parts in accordance with the proposed decommissioning plan, and terminate Facility License No. R-81. An "Order Authorizing Dismantling of Facility and Disposition of Component Parts," dated November 21, 1991, was published in the **Federal Register** on November 27, 1991 (56 FR 60124). In addition, NRC required Cintichem to develop residual soil contamination criteria for use as unrestricted release criteria for the facility. These were submitted on October 22, 1992, and approved on August 26, 1993. On February 1, 1994, Cintichem requested approval of residual contamination criteria for five additional radionuclides that were not included in the original submittal. NRC approved the criteria for the five additional radionuclides on October 17, 1994. Unrestricted release criteria for surfaces were those described in NRC Regulatory Guide 1.86. These criteria were modified in October 1994 to increase the limits for tritium (H-3) and iron-55 (Fe-55) in accordance with NRC guidance. Cintichem was also required to demonstrate that the dose to a critical member of the public from all residual radioactive material on site did not exceed 10 millirem per year. In addition, the dose via the water pathway alone could not exceed 4 millirem per year.

Due to the large geographical size of the site and the considerable number of radiation survey data points recorded, the final radiation surveys were divided into five sequential phases. For each phase, Cintichem conducted radiation surveys using techniques recommended in NUREG/CR-5849, "Manual for Conducting Radiological Surveys in Support of License Termination", to show that unconditional release criteria were satisfied. The licensee completed the dismantlement and submitted final survey reports and addenda for the five phases dated January 26, 1995, March 3, 1995, March 26, April 19 and June 7, 1996, June 6 and 27, 1997, July 3 and 30, 1997, and September 22, 1997.

Representatives of the Oak Ridge Institute for Science and Education (ORISE), under contract to NRC, conducted five surveys of the Cintichem facility during the period April 1995 through August 1997. The surveys are documented in the following ORISE reports.

1. Confirmation Survey of the Exterior Areas of Buildings 1 and 2, May 1995
2. Confirmation Survey of the Phase 2 Areas of the Reactor Building, September 1996
3. Confirmation Survey of the Unaffected Land Areas, September 1996
4. Confirmation Survey of the Phase 4 Areas, May 1997
5. Confirmation Survey of the Phase 5 Areas, April 1998

In addition, an Addendum to the Phase 5 Confirmatory Survey Report, "Bedrock Dose Assessment Report", was submitted to the NRC on June 2, 1998.

NRC finds that the ORISE reports support the data developed in the licensee's final survey report, and that all measurements indicate the remaining facilities are suitable for unconditional release.

On May 27, 1998, Cintichem affirmed that all radioactive material stored on site had been removed from the facility. This was confirmed by inspection of the site by NRC and the State of New York on June 15, 1998.

#### The Need for Proposed Action

The proposed action is to release the facility for unrestricted access and use, and Facility License No. R-81 must be terminated.

#### Environmental Impact of License Termination

Results of Cintichem's surveys and the ORISE confirmatory surveys demonstrate that the facility meets the criteria for unrestricted use prescribed in the approved decommissioning plan as supplemented. The NRC finds that since these criteria have been met there is no significant impact on the environment and the facility can be released for unrestricted use.

#### Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in environmental impacts and would deny release of the site for unrestricted use and require continuance of facility license. The environmental impacts of the proposed action and the alternative action are similar. Since the reactor and component parts have been dismantled

and disposed of in accordance with NRC regulations and guidelines, there is no viable alternative to termination of Facility License No. R-81.

#### Agencies and Persons Consulted

The NRC staff consulted with the Director, Bureau of Pesticides and Radiation, Division of Solid and Hazardous Materials, New York State Department of Environmental Conservation regarding the proposed action, and the official had no comments.

#### Finding of No Significant Impact

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

For further details with respect to this proposed action, see the licensee's submittal on decommissioning the facility, dated October 19, 1990 as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20003-1527.

Dated at Rockville, Maryland this 13th day of August 1998.

For the Nuclear Regulatory Commission.

**Seymour H. Weiss,**

*Director, Non-Power Reactor and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Assessment and Recommendations for Fissile Material Packaging Exemptions and General Licenses; Availability of NUREG/CR

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of NUREG/CR-5342, "Assessment and Recommendations for Fissile Material Packaging Exemptions and General Licenses Within 10 CFR Part 71," dated July 1998.

**ADDRESSES:** Copies of NUREG/CR-5342 may be obtained by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box

37082, Washington, DC 20402-9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161-0002. A copy is also available for inspection and copying, for a fee, at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20555-0001.

**FOR FURTHER INFORMATION CONTACT:** Philip G. Brochman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-8592, e-mail PGB@nrc.gov.

**SUPPLEMENTARY INFORMATION:** NRC is announcing the availability of NUREG/CR-5342, "Assessment and Recommendations for Fissile Material Packaging Exemptions and General Licenses Within 10 CFR Part 71." This final report contains an assessment of the technical and regulatory bases for the NRC's regulations in Part 71 related to the transport of fissile material under general license or fissile exemption limits and provides recommendations on potential changes to the regulations.

## I. Background

In September 1996, an NRC licensee identified that the fissile material exemption standards in § 71.53 do not provide adequate criticality safety for certain shipments of fissile material<sup>1</sup> (i.e., highly-enriched uranium in the presence of beryllium oxide). The NRC licensee determined through calculation, that a planned shipment, which contained large amounts of low-concentration, highly-enriched uranium which met the fissile exemption material limits in § 71.53(d)—and which was also mixed with a large amount of beryllium, could result in a nuclear criticality<sup>2</sup> under certain conditions. As a consequence, the Commission issued an emergency final rule to revise the fissile material exemption limits in Part 71 (62 FR 5907;

<sup>1</sup> Fissile material is defined in Part 71 as: plutonium-238, plutonium-239, plutonium-241, uranium-233, uranium-235, or any combination of these radionuclides. Transportation packages used for shipment of materials containing these radionuclides must meet specific standards and operating limits designed to preclude nuclear criticality during transport, unless excepted by specific regulations.

<sup>2</sup> For transportation purposes, nuclear criticality means a condition in which an uncontrolled, self-sustaining, and neutron-multiplying fission chain reaction occurs. Nuclear criticality is generally a concern when sufficient concentrations and masses of fissile material and neutron moderating material exist together in a favorable configuration. Neutron moderating material cannot achieve criticality by itself in any concentration or configuration. However, it can enhance the ability of fissile material to achieve criticality by slowing down neutrons or reflecting neutrons.

February 10, 1997). The Commission also requested that the public submit comments on the final rule, during a 30-day period following the rule's publication.

In developing the emergency final rule, the NRC staff noted that the regulatory and technical bases for the fissile material exemption limits and general license provisions of Part 71 were not internally consistent nor well documented. Additionally, all seven of the commenters on the final rule objected to parts of the rule as being unduly burdensome and overly restrictive. The NRC determined that further evaluation into the regulatory and technical bases for these regulations was necessary.

Subsequently, the NRC contracted with Oak Ridge National Laboratory (ORNL) to: (1) perform an independent evaluation of the regulations related to the transport of fissile material under the fissile material exemption and general license limits of Part 71; (2) review the technical issues raised by public comments on the emergency final rule; (3) perform independent calculations of the minimum critical mass limits for different combinations of fissile material and moderating material; and (4) identify potential changes to the fissile material exemption and general license limits of Part 71 which may be warranted.

The results of ORNL's study are contained in NUREG/CR-5342 and are available for public review. The NRC is currently reviewing the recommendations contained in this report.

## II. Electronic Access

NUREG/CR-5342 is also available electronically in the Reference Library area of the NRC's Home Page under Technical Reports (<http://www.nrc.gov>).

## Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Act of 1996, NRC has determined that this action is not a major rule and has verified this determination with Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 17th day of July 1998.

For the U.S. Nuclear Regulatory Commission.

**Susan F. Shankman,**

*Deputy Director, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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## OFFICE OF PERSONNEL MANAGEMENT

[3206-0082]

### Submission for OMB Review; Comment Request; Review of a Revised Information Collection; Presidential Management Intern Program Application

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for clearance of a revised information collection. The Office of Personnel Management is requesting OMB to authorize procession of collection of information associated with the Presidential Management Intern Program Application. Processing and approval of the 1998 Presidential Management Intern Program Application is necessary to facilitate the timely nomination, selection and placement of Presidential Management Intern Finalists in Federal agencies.

We estimate 2000 applications will be received and processed in 1998. Each application takes approximately 2 hours to complete (one hour for applicants (nominees) and one hour for nominating school officials). The annual estimated burden is 4000 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey at (202) 606-8358, or e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov).

**DATES:** Comments on this proposal should be received on or before August 26, 1998.

### ADDRESSES:

Kathleen A. Keeney, Presidential Management Intern Program, U.S. Office of Personnel Management, William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, PA 19106.

and Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235 Washington, DC 20503.

### FOR INFORMATION REGARDING

**ADMINISTRATIVE COORDINATION—CONTACT:** Kathleen A. Keeney (215) 597-1920.

Office of Personnel Management.

**Janice R. Lachance,**  
*Director.*

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