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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

July 3, 1996

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Mr. Dickson L. Whitney, Jr.
McGean-Rohco, Inc.
1250 Terminal Tower
Cleveland, Ohio 44113-2251

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Mr. Whitney:

I am responding to the Petition of Dr. Klaus R. Romer, dated January 6, 1989, on behalf of McGean-Rohco, Inc. (McGean). The Petition requested that the U.S. Nuclear Regulatory Commission take action pursuant to 10 CFR 2.206 with respect to Chemetron Corporation (Chemetron), an NRC licensee. McGean requested that NRC exercise its enforcement powers to compel Chemetron, at the time a subsidiary of Allegheny International, Inc. (Allegheny), to immediately commence decontamination of the Harvard Avenue site under the terms agreed to by Allegheny in its Confirmation of Commitment dated November 14, 1988. McGean also requested the NRC to impose sanctions upon Chemetron for its failure to carry out the decontamination of the Harvard Avenue site.

Your request was referred to the NRC staff for consideration pursuant to 10 CFR 2.206 of the Commission's regulations. For the reasons stated in the enclosed "Director's Decision Under 10 CFR 2.206," (Enclosure 1) the Petition has been granted in part and denied in part.

Since the Petition was submitted, the NRC staff has taken appropriate actions to ensure the decontamination of the Harvard Avenue site. The most significant actions include the issuance of a license amendment and two Orders to establish schedules for the submittal of documents key to the Harvard Avenue site remediation and the issuance of a license amendment authorizing Chemetron to proceed with the remediation. Further, based on a review of the Licensee's actions regarding this decontamination effort, we have concluded that the Licensee has made adequate progress towards this end. Therefore, for all practical purposes, McGean's request to compel the remediation of the Harvard Avenue site has been granted. However, NRC staff does not consider that the imposition of sanctions is needed to complete the Harvard Avenue site remediation. Therefore, we are denying the Petitioner's request to impose such sanctions. Finally, we have concluded that no additional NRC actions are warranted concerning these requests. Should Chemetron fail to meet its one-year schedule for decontamination of the Harvard Avenue site, we will take appropriate action at that time.

A copy of the Decision will be filed with the Secretary of the Commission for its review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action

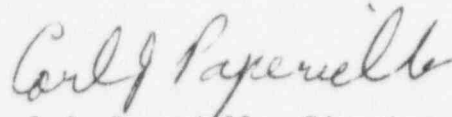
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of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

A copy of the Federal Register notice, which is being filed with the Office of the Federal Register for publication, is also enclosed.

Sincerely,



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 040-08724
(10 CFR 2.206)

Enclosures:

1. Director's Decision DD-96-09
2. Federal Register notice

cc: Mr. David R. Sargent
Vice President
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Chemetron Distribution List

Chemetron Corporation Distribution List

February 15, 1996

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Docket No. 40-8724

License No. SUB-1357

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