

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 040-09011

**NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO
SIGNIFICANT IMPACT FOR LICENSE AMENDMENT FOR
THE DEPARTMENT OF THE ARMY, WATERVLIET ARSENAL'S FACILITY IN WATERVLIET,
NEW YORK**

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

FOR FURTHER INFORMATION CONTACT: Betsy Ullrich, Commercial and R&D Branch,
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SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to the Department of the Army, Watervliet Arsenal for Materials License No. STB-1554, to authorize release of Building 120 at its facility in Watervliet, New York, for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the action is to authorize the release of Building 120 at the licensee's Watervliet, New York, facility for unrestricted use. The Department of the Army, Watervliet Arsenal was authorized by NRC from 1972 to use radioactive materials for research and development purposes at the site. On March 7, 2005, the Department of the Army, Watervliet Arsenal, requested that NRC release Building 120 at the facility for unrestricted use. The Department of the Army has conducted surveys of the facility and provided information to the NRC to demonstrate that Building 120 meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted use.

The NRC staff has prepared an EA in support of the license amendment. The facility was surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and final status survey submitted by the Department of the Army. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in Subpart E of 10 CFR Part 20, a Finding of No Significant Impact is appropriate. Additionally, no non-radiological or cumulative impacts were identified.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release Building 120 for unrestricted use. The NRC staff has evaluated the Department of the Army, Watervliet Arsenal's request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the radiological environmental impacts from the action are bounded by

the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). Additionally, no non-radiological or cumulative impacts were identified. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: The Environmental Assessment [ML053290136] and the Final Survey Report for Room 255, Building 120, Watervliet Arsenal, dated March 2005 [ADAMS Accession No. ML051080464]. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by email to pdr@nrc.gov.

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to the NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's web site at <http://www.nrc.gov/reading-rm/foia-privacy.html>

Dated at King of Prussia, Pennsylvania this 25th day of November, 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I