

**NUCLEAR REGULATORY COMMISSION**

**DOCKET NO. 030-32563**

**NOTICE OF ENVIRONMENTAL ASSESSMENT RELATED TO THE ISSUANCE OF A  
LICENSE AMENDMENT TO BYPRODUCT MATERIAL LICENSE NO. 24-26366-01,  
FOR UNRESTRICTED RELEASE OF A FORMER FACILITY FOR  
HIGH ENERGY DEVICES, LLC, MARYLAND HEIGHTS, MISSOURI**

**AGENCY:** Nuclear Regulatory Commission

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

**FOR FURTHER INFORMATION CONTACT:** William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9871; fax number: (630) 515-1259; or by email at [wgs@nrc.gov](mailto:wgs@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Byproduct Materials License No. 24-26366-01, which is held by High Energy Devices, LLC (licensee). The amendment would authorize the decommissioning and unrestricted release of the licensee's former facility located at 45D Progress Parkway, Maryland Heights, Missouri (the facility). The NRC has prepared an Environmental Assessment in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the Environmental Assessment, the NRC has determined that a Finding of No Significant Impact is appropriate. The amendment to High Energy Devices' license will be issued following the publication of this Environmental Assessment and Finding of No Significant Impact.

## **I. Environmental Assessment**

### **Identification of Proposed Action**

The proposed action would approve High Energy Devices' request to amend its license and release the licensee's facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The proposed action is in accordance with the licensee's request to the U.S. Nuclear Regulatory Commission (NRC) to amend its license by letter dated December 22, 2006 (ADAMS Accession No. ML063630413). High Energy Devices was first licensed to use byproduct materials at its facility on December 23, 1991. The licensee is authorized to use byproduct materials for activities involving the manufacture of gas discharge tubes. Cesium-137, nickel-63 and krypton-85, each with a half-life greater than 120 days, were the only isotopes that were used at the facility in an unsealed form, and each of these were limited to less than 5 milliCuries at any one time. On December 18, 2006, High Energy Devices completed removal of all equipment and licensed radioactive material from the facility, transporting the equipment and radioactive materials to a new location of business.

The licensee conducted surveys of the facility as part of its decommissioning activities and provided this information to the NRC to demonstrate that the radiological condition there is consistent with radiological criteria for unrestricted use in 10 CFR Part 20, Subpart E. No radiological remediation activities are required to complete the proposed action.

### **Need for the Proposed Action**

The licensee is requesting this license amendment because it has moved out of the facility, and is conducting licensed activities at another location. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows the facility to be released for unrestricted use.

### **Environmental Impacts of the Proposed Action**

The NRC staff reviewed the information provided and surveys performed by the licensee to demonstrate that the release of the facility is consistent with the radiological criteria for unrestricted use specified in 10 CFR 20.1402. Based on its review, the staff determined that there were no radiological impacts associated with the proposed action because no radiological remediation activities were required to complete the proposed action, and that the radiological criteria for unrestricted use in § 20.1402 have been met.

Based on its review, the staff determined that the radiological environmental impacts from the proposed action for the facility are bounded by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496). Additionally, no non-radiological or cumulative impacts were identified. Therefore, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment.

### **Alternatives to the Proposed Action**

The only alternative to the proposed action is to take no action. Under the no-action alternative, the licensee's facility would remain under an NRC license and would not be released for unrestricted use. Denial of the license amendment request would result in no change to current conditions at the facility. The no-action alternative is not acceptable because it is inconsistent with 10 CFR 30.36, which requires that decommissioning of by-product material facilities be completed and approved by the NRC after licensed activities cease. This alternative would impose an unnecessary regulatory burden in controlling access to the former facility, and limit potential benefits from the future use of the facility.

## **Conclusion**

The NRC staff concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

## **Agencies and Persons Consulted**

The NRC staff has determined that the proposed action will not affect listed species or critical habitats. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

The NRC consulted with the Missouri Department of Health and Senior Services (DHSS). The Missouri DHSS, Division of Community and Public Health, Office of Emergency Coordination, was provided the draft EA for comment on January 12, 2007. Mr. Keith Henke, Planner, with the Missouri DHSS, responded to the NRC by e-mail on January 17, 2007, indicating that the State had no comments regarding the NRC Environmental Assessment for the release of the High Energy Devices facility.

## **II. Finding of No Significant Impact**

On the basis of the EA in support of the proposed license amendment to release the facility for unrestricted use, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment. Thus, the NRC has not prepared an environmental impact statement for the proposed action.

### III. Further Information

Documents related to this action, including the application for 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. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov). The documents and ADAMS accession numbers related to this notice are:

1. Michael C. Brower, High Energy Devices, LLC, letter to Kevin Null, U.S. Nuclear Regulatory Commission, December 22, 2006 (ADAMS Accession No. ML063630413).
2. U.S. Nuclear Regulatory Commission, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," NUREG-1748, August 2003.
3. U.S. Nuclear Regulatory Commission, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," NUREG-1496, August 1994.
4. NRC, NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volumes 1-3, September 2003.

Documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 23rd day of January 2007

For the Nuclear Regulatory Commission,

/RA/

Jamnes L. Cameron, Chief  
Decommissioning Branch  
Division of Nuclear Materials Safety  
Region III

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