

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 030-08793

NOTICE OF ENVIRONMENTAL ASSESSMENT RELATED TO THE ISSUANCE OF A

LICENSE AMENDMENT TO TERMINATE

BYPRODUCT MATERIAL LICENSE NO. 21-15209-01,

NSF INTERNATIONAL, ANN ARBOR, MICHIGAN

AGENCY: Nuclear Regulatory Commission

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

FOR FURTHER INFORMATION CONTACT: Peter J. Lee, Ph.D., CHP, Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9870; fax number: (630) 515-1259; or by email at pjl2@nrc.gov.

SUPPLEMENTARY INFORMATION:

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a licensee amendment to terminate NRC Byproduct Materials License No. 21-15209-01, which is held by NSF International (licensee). The amendment would authorize the unrestricted release of the licensee's former facility located at 789 North Dixboro Road, Ann Arbor, Michigan. 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 NSF

International's 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 NSF International's request to terminate its license and release the licensee's former facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The proposed action is in accordance with NSF International's request to the U.S. Nuclear Regulatory Commission (NRC) to terminate its NRC Byproduct Material License by letter dated April 30, 2007 (ADAMS Accession No. ML071220400). The licensee is authorized to use byproduct materials, primarily carbon-14, for research and development in waste water technology. On May 1, 2007, NSF International completed removal of licensed radioactive material from the facility located at 789 North Dixboro Road, Ann Arbor, Michigan.

The licensee conducted surveys of the facility and provided this information to the NRC to demonstrate that the radiological condition of the Ann Arbor facility is consistent with radiological criteria for unrestricted use in 10 CFR 20.1402. 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 discontinued licensed activities. 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 Ann Arbor 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 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

An 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. This would result in no change to current conditions at the Ann Arbor facility. The no-action alternative is not acceptable because it is inconsistent with 10 CFR 30.36, which requires that a licensee who has permanently ceased licensed activities begin decommissioning its facility. This alternative would impose an unnecessary regulatory burden in controlling access to the former Ann Arbor 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 Mr. Robert Skowronek, Chief, Radioactive Material and Medical Waste Materials Unit, Waste and Hazardous Materials Division, Michigan Department of Environmental Quality. Mr. Skowronek was provided an electronic draft of the EA for comment on July 9, 2007. Mr. Skowronek responded to the NRC by E-mail on July 10, 2007, indicating that the State had no comments regarding the NRC Environmental Assessment for the release of the licensee's Ann Arbor facility located at 789 North Dixboro Road.

II. Finding of No Significant Impact

On the basis of the EA in support of the proposed license amendment to release the site 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, an environmental impact statement for the proposed action is not warranted.

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. The documents and ADAMS accession numbers related to this notice are:

1. Lori Bestervelt, NSF International, letter to U.S. Nuclear Regulatory Commission, April 30, 2007 (ADAMS Accession No. ML071220400).
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 18th day of July 2007

For the Nuclear Regulatory Commission,

/RA/

Patrick Loudon, Chief
Decommissioning Branch
Division of Nuclear Materials Safety
Region III

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