

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 030-33658

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR LICENSE AMENDMENT REQUEST TO BYPRODUCT MATERIALS LICENSE 01-25316-01 FOR THE DEPARTMENT OF DEFENSE, DEFENSE INTELLIGENCE AGENCY, REDSTONE ARSENAL, ALABAMA

AGENCY: Nuclear Regulatory Commission.

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

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SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license renewal to Byproduct Materials License No. 01-25316-01. This license is held by the Department of Defense, Defense Intelligence Agency (the Licensee), for activities conducted at the Redstone Arsenal facility, located in Redstone Arsenal, Alabama. As part of its license renewal, the Licensee has requested an exemption from the requirement in 10 CFR 30.32(g) to list sealed sources by their manufacturer and model number as registered under the provisions of 10 CFR 32.210. The Licensee requested this exemption in a letter received on

November 1, 2005. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The license renewal, including the approval of the exemption request, will be issued to the Licensee following the publication of this FONSI and EA in the Federal Register.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would renew License No. 01-25316-01, including approval of the Licensee's request for exemption received on November 1, 2005. License No. 01-25316-01 was issued on January 26, 1995, pursuant to 10 CFR Parts 30 and 70, and has been amended periodically since that time. This license authorized the Licensee to receive, store, use and/or transfer specified radioactive materials incident to research and development as defined in 10 CFR 30.4.

On December 29, 2004, the Licensee submitted its renewal application for License No. 01-25316-01. In a letter received on November 1, 2005, submitted in response to an inquiry from the NRC, the Licensee requested an exemption from the requirement in 10 CFR 30.32(g) to list sealed sources by their manufacturer and model number as registered under the provisions of 10 CFR 32.210. In requesting this exemption, the Licensee states that the sole purpose of possessing the sealed sources on this license "is to be able to remove and store for disposal devices of foreign manufacture which may be contained on, or in, foreign military vehicles or conveyances." Furthermore, the Licensee states that it will not know in advance what sources or devices may be received at its facility and that, in the interest of national security and Department of Defense policy, the sources or origination of foreign equipment cannot be

revealed. The Licensee states that it immediately surveys all such foreign vehicles for radioactive material and places them in storage for future disposal if radioactive contamination is found.

Need for the Proposed Action

The Licensee receives and takes possession of sealed sources and devices which have not been registered with the NRC under 10 CFR 32.210 or with an Agreement State. As these sources and devices are of foreign manufacture, the Licensee would not be able to continue this activity without this exemption.

Technical Analysis of the Proposed Action

10 CFR 30.11(a) states that the Commission may grant such exemptions from the requirements of the regulations as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. The NRC staff has analyzed the Licensee's request to be authorized to receive and take possession of sealed sources and devices which have not been registered with the NRC under 10 CFR 32.210 or with an Agreement State. The NRC staff considered that the Licensee is qualified by sufficient training and experience and has sufficient facilities and equipment to handle these sources and devices. Furthermore, NRC inspections have evaluated the Licensee's performance and determined that the Licensee has safely handled these unregistered sources for many years. Accordingly, the NRC staff has concluded that granting this exemption is authorized by law, will not endanger life or property or the common defense and security, and is in the public interest.

Environmental Impacts of the Proposed Action

The proposed action is largely administrative in nature. Approving this exemption will have no environmental impact.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Additionally, denying the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

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

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for exemption 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 documents related to this action are listed below, along with their ADAMS accession numbers.

1. Licensee renewal application dated December 29, 2004 [ML081780249]
2. Licensee letter received November 1, 2005 [ML081780216]

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. These 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 Region I, 475 Allendale Road, King of Prussia, Pennsylvania this 26^h day of June 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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