

**NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-11209]**

**Notice of Availability of Environmental Assessment and Finding of No  
Significant Impact for Amendment of Byproduct Materials License No. 21-16544-01, for  
Unrestricted Release of a Facility in Ann Arbor, MI**

**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, Materials Control, ISFSI, and 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](mailto:pjl2@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 21-16544-01. This license is held by the Department of Commerce (the Licensee) for its Lake Michigan Field Station, Research Vessel Shenehon, located at 1431 Beach Street, Muskegon, Michigan (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in letter dated November 24, 2008. 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 amendment 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 approve the Licensee's November 24, 2008, license amendment request, resulting in release the Facility for unrestricted use. License No. 21-16544-01 was issued on July 8, 1975, pursuant to 10 CFR Part 30, and has been amended periodically since that time. The license authorizes the use of by-product materials for in-vitro laboratory research studies and neutron activation studies on soil samples. The licensee ceased using licensed materials in the Facility in 2008. The Licensee has conducted final status surveys of the Facility. The results of these surveys along with other supporting information were provided to the NRC to demonstrate that the criteria in Subpart E of 10 CFR Part 20 for unrestricted release have been met.

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

The Licensee has ceased conducting licensed activities at the Facility and seeks the unrestricted use of its Facility.

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

The historical review of licensed activities conducted at the Facility shows that such activities involved use of hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee completed final status surveys on the Facility on November 14, 2008. The surveys covered all areas of the Facility. The final status survey report was attached to the Licensee's amendment request dated November 24, 2008. The Licensee elected to

demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening values described in NUREG-1757, "Consolidated Decommissioning Guidance," Volume 2 as the radionuclide-specific derived concentration guideline levels (DCGLs). These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these values and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed available docket file records and the survey results to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that issuance of the proposed amendment authorizing release of the Facility for unrestricted use is in compliance with 10 CFR Part 20. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

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

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment 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 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**

NRC provided a draft of this Environmental Assessment to the Michigan Department of Environmental Quality for review on January 7, 2009. By response dated January 15, 2008, the State agreed with the conclusions of the EA, and otherwise provided no comments.

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 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 documents related to this action are listed below, along with their ADAMS accession numbers.

1. Kimberly A. Kulpanowski, U. S. Department of Commerce, letter dated November 24, 2008 (ADAMS Accession No. ML083310295);
2. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"
3. Title 10 Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"
4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;"
5. NUREG-1757, "Consolidated Decommissioning Guidance."

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 [pdrc@nrc.gov](mailto:pdrc@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 Lisle, Illinois, this 6th day of February 2009

For the Nuclear Regulatory Commission,

*/RA/*

Christine Lipa, Chief  
Materials Control, ISFSI, and  
Decommissioning Branch  
Division of Nuclear Materials Safety  
Region III