

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0459]

DOCKET NO. 030-01786

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR LICENSE AMENDMENT TO BYPRODUCT MATERIALS LICENSE NO. 19-00296-10, FOR AMENDMENT OF THE LICENSE AND UNRESTRICTED RELEASE OF THE DEPARTMENT OF HEALTH & HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH'S FACILITIES IN ROCKVILLE, MARYLAND

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 amendment to Byproduct Materials License No. 19-00296-10. This license is held by the Department of Health & Human Services, National Institutes of Health (the Licensee), for, in part, its Danac-5 Building (also called the Park-5 Building) and Danac-4 Building (also called the Flow Building). These two buildings (collectively, the Facilities) are located in close proximity to each other at 12420 Parklawn Drive and 12501 Washington Avenue in Rockville, Maryland,

respectively. Issuance of the amendment would authorize release of the Facilities for unrestricted use. The Licensee requested this action in a letter dated February 5, 2009. Licensed activities at other locations under License No. 19-00296-10 will continue.

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 February 5, 2009, license amendment request, resulting in release of the Facilities for unrestricted use. License No. 19-00296-10 was issued on December 7, 1956, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorizes the Licensee to use unsealed byproduct material for purposes of conducting medical research and development activities on laboratory bench tops and in hoods.

The Facilities consist of office space and laboratories sited in two buildings, both of which are located in a commercial area. Within the Facilities, use of licensed materials was confined to 21,061 square feet in the Danac-5 Building and 26,700 square feet in the Danac-4 Building.

In 2004, the Licensee ceased licensed activities within the facilities and initiated a survey and decontamination of them. Based on the Licensee's historical knowledge of the site and the conditions of the Facilities, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required.

The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations.

The Licensee conducted surveys and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release of the Facilities.

In addition, a historical review of the Facilities identified that within the area subsequently occupied by the Licensee in the Danac-4 Building, Flow Laboratories, Inc. was also licensed from May 18, 1967, until May 31, 1972, to use unsealed byproduct material for purposes of conducting laboratory tracer studies on laboratory bench tops and in hoods. The license for Flow Laboratories, Inc. expired on May 31, 1972, and no surveys were then performed. However, the assessment that was conducted by the Licensee included areas previously used by Flow Laboratories, Inc, and there is no indication that such use prevents the criteria in Subpart E of 10 CFR Part 20 for unrestricted release from being met.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facilities, and seeks their unrestricted use.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facilities shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3, carbon-14, chlorine-36, and calcium-45. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas affected by these radionuclides.

The Licensee conducted final status surveys on December 11 through 15, 2005, and in January 2009, covering all laboratories, counting rooms, hallways, animal facilities, and offices

located in the Facilities. The final status survey report was attached to the Licensee's amendment request dated February 5, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs 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 Facilities. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facilities. 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 the proposed release of the Facilities for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the

residual radioactivity at the Facilities 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 requirements of 10 CFR 20.1402 for unrestricted release are met here. 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 State of Maryland's Department of the Environment's Air and Radiation Management Administration and Hazardous Waste Administration for review on July 30, 2009. On August 31, 2009, the State of Maryland's

Department of the Environment's Air and Radiation Management Administration and Hazardous Waste Administration responded by email. The State agreed with the conclusions of the EA, and otherwise had 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 Documents 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. Letter dated February 5, 2009, requesting amendment (ML090440394);
2. Letter dated October 6, 2008, providing additional information (ML082910930);

3. Historical Assessment received July 10, 2009 (ML092110007);
4. Mercury decontamination results dated October 9, 2007 (ML092160003);
5. Document received August 24, 2009, providing additional information (ML092360695);
6. Document received August 24, 2009, providing instrument calibrations (ML092360704);
7. Document received August 24, 2009, providing instrument calibrations (ML092360751);
8. Document received August 24, 2009, providing instrument calibrations (ML092360759);
9. Document received August 24, 2009, providing instrument calibrations (ML092360764);
10. Document received August 24, 2009, providing instrument calibrations (ML092580244);
11. Document received September 1, 2009 describing survey plan (ML092510133);
12. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
13. Title, 10 *Code of Federal Regulations*, Part 20, Subpart E, "Radiological Criteria for License Termination;"
14. Title 10, *Code of Federal Regulations*, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;" and
15. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

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.resource@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, PA this 8th day of October 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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