

**NUCLEAR REGULATORY COMMISSION**

**DOCKET NO. 04000341**

**NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO  
SIGNIFICANT IMPACT FOR LICENSE AMENDMENT TO SOURCE MATERIALS LICENSE NO.  
STC-133 FOR UNRESTRICTED RELEASE OF THE DEFENSE LOGISTICS AGENCY, DLA  
STRATEGIC MATERIALS DEPOT, IN NEW HAVEN, INDIANA**

**[NRC-2009-0539]**

**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 Source Materials License No. STC-133. This license is held by Defense Logistics Agency, DLA Strategic Materials (the Licensee), for its Depot located on State Route 14 in New Haven, Indiana (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated February 24, 2009. 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 24, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. STC-133 was issued on February 14, 1957, pursuant to 10 CFR Part 40, and has been amended periodically since that time. This license authorized the Licensee to have unsealed source material for purposes of storage, sampling, repackaging, and transfer.

The Facility is situated on 268 acres and consists of warehouses and other office and support buildings. The Facility is located in a mixed rural and industrial area. Within the Facility, use of licensed materials was confined to the locations as described in the Licensee's Final Status Survey Report dated January 2009. Locations included outside storage areas covering 2300 square meters; warehouses 210-215 covering 16,054 square meters; and support buildings 136, 141, 145, and 146.

On September 24, 2004, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, 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 were consistent with those approved for routine

operations (i.e., these procedures could not increase the potential health and safety impacts to workers or the public). The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

### **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 the following radionuclides with half-lives greater than 120 days: natural uranium and thorium mixtures. 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 conducted final status surveys during October and November 2006; June, August, and September 2007; and February 2008. These surveys covered the affected areas of the facility. The final status survey report was attached to the Licensee's amendment request dated February 24, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by developing derived concentration guideline levels (DCGLs) for its Facility. The Licensee conducted site-specific dose modeling using input parameters specific to the Facility, which included the soil's site-specific physical properties. The Licensee thus determined the maximum amount of residual radioactivity on building surfaces, equipment, materials and soils that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The NRC previously reviewed the

Licensee's methodology and proposed DCGLs, and concluded that the proposed DCGLs are acceptable for use as release criteria at the Facility. The NRC's approval of the Licensee's proposed DCGLs was published in the *Federal Register* on December 8, 2009 (74 FR 64762). The Licensee's final status survey results were below these DCGLs, and are thus acceptable.

The NRC staff had confirmatory surveys conducted during October 5-8, 2009. Some of the area results indicated a need to perform further investigation sampling. The Licensee completed additional sampling and mitigation and final surveys during July 2010. The NRC staff conducted a follow up confirmatory survey on July 22 and 23, 2010, and performed an inspection of the licensee's sampling, mitigation, and final status survey. None of the final confirmatory sample results exceeded the DCGLs established for the Facility. 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). Because the GEIS found that there were no significant impacts for the facility that bounds the Facility, the staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. 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 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 the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. 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 40.42, requiring that decommissioning of source 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 and the NRC has no reason not to approve release of the Facility. 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 and that the proposed action will not significantly impact the quality of the human environment.

## **Agencies and Persons Consulted**

NRC provided a draft of this Environmental Assessment to the Indiana State Department of Health for review on January 7, 2011. On January 12, 2011, Indiana State Department of Health, Radiological Health Program responded by electronic mail. 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.

## **II. 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. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
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;" and
4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."
5. Defense Logistics Agency request letter dated February 24, 2009 [ML090630138]

6. Defense Logistics Agency deficiency response letter dated May 19, 2009  
[ML091410397]
7. Defense Logistics Agency deficiency response letter dated July 27, 2009  
[ML092110028]
8. Oak Ridge Institute for Science and Education Report dated February 2010  
[ML092800227]
9. Defense Logistics Agency deficiency response letter dated April 8, 2010  
[ML101030841]
10. Defense Logistics Agency additional information letter dated October 21, 2010  
[ML102950429]
11. Defense Logistics Agency additional information letter dated November 10, 2010  
[ML103200071]
12. Oak Ridge Institute for Science and Education letter dated August 20, 2010  
[ML102430288]

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](mailto:pdr.resource@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region 1, 475 Allendale Road, King of Prussia this 2<sup>nd</sup> day of February, 2011.

FOR THE NUCLEAR REGULATORY COMMISSION

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