



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 16, 2011

Docket No. 04000341  
Control No. 143447

License No. STC-133

Michael J. Pecullan  
Radiation Safety Officer  
Defense Logistics Agency  
DLA Strategic Materials  
8725 John J. Kingman Road  
Fort Belvoir, VA 22060

SUBJECT: DEFENSE LOGISTICS AGENCY, LICENSE AMENDMENT, CONTROL NO.  
143447

Dear Mr. Pecullan:

This refers to your license amendment request. Enclosed with this letter is the amended license.

The facility at State Route 14 in New Haven, Indiana may be released for unrestricted use.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

"The Notice of Availability of Environmental Assessment and Finding of No Significant Impact for this action was published on February 14, 2011, in the Federal Register, Volume 76, Number 30. A copy of the Federal Register Notice is enclosed for your information."

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis R. Lawyer".

Dennis R. Lawyer  
Health Physicist  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

M. Pecullan

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Enclosures:

Amendment No. 35

Federal Register Volume 76, No. 30, Pages 8382 and 8383

**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. Defense Logistics Agency DLA Strategic Materials</p> <p>2. 8725 John J. Kingman Road Fort Belvoir, Virginia 22060-6223</p>	<p>In accordance with the application dated February 24, 2009,</p> <p>3. License number STC-133 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date February 29, 2020</p> <hr/> <p>5. Docket No. 040-00341 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Uranium and Thorium</p>	<p>7. Chemical and/or physical form</p> <p>A. Natural uranium and thorium mixtures as ores, concentrates, and solids</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 2,000,000 kilograms</p>
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<p>9. Authorized use:</p> <p>A. Storage, sampling, repackaging, and transfer as necessary for the activities of the National Defense Stockpile.</p>
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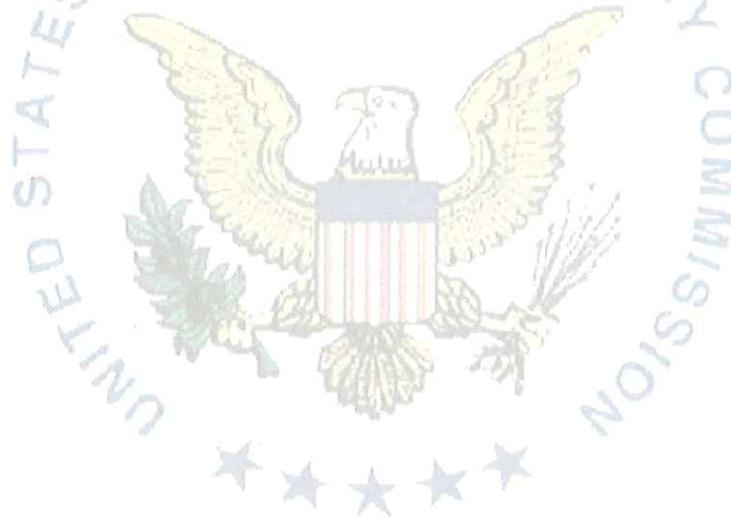
**CONDITIONS**

- 10. Licensed material may be used or stored only at the licensee's facilities located at DNSC Scotia Depot, Route 5, Scotia, New York.
- 11. A. Licensed material shall be used by, or under the supervision of, Michael J. Pecullan or individuals who have completed the training described in the application dated January 6, 2010.
- B. The Radiation Safety Officer for this license is Michael J. Pecullan.
- 12. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
STC-133Docket or Reference Number  
040-00341

Amendment No. 35

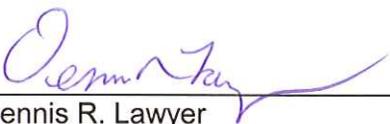
13. The licensee may use the following Derived Concentration Guideline Level (DCGL) for decommissioning of the licensee's facilities at the DNSC New Haven Depot, State Route 14, New Haven, Indiana with the intention of release of the facility for unrestricted use: not more than 2.5 picocuries per gram thorium 232 and progeny in soil and 2.3 picocuries per gram natural uranium and progeny in soil.
14. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated January 6, 2010 (ML100141271)



For the U.S. Nuclear Regulatory Commission

Date February 16, 2011

By

  
Dennis R. Lawyer  
Commercial and R&D Branch  
Division of Nuclear Materials Safety  
Region I

King of Prussia, Pennsylvania 19406

Wednesday, February 16, 2011 08:22:26

request your badge, which will be ready for pick-up at the visitor's desk on the day of the meeting.

**UPDATES AND POINT OF CONTACT:** Please refer to the National Science Board website <http://www.nsf.gov/nsb> for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at <http://www.nsf.gov/nsb/notices/>. Point of contact for this meeting is: Elizabeth Strickland, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7000.

Daniel A. Lauretano,  
Counsel to the National Science Board.  
[FR Doc. 2011-3359 Filed 2-10-11; 4:15 pm]  
BILLING CODE 7555-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 04000341; NRC-2009-0539]

### 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, IN

**AGENCY:** Nuclear Regulatory Commission.

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

**FOR FURTHER INFORMATION CONTACT:** Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610-337-5366; fax number 610-337-5269 or by e-mail: [Dennis.Lawyer@nrc.gov](mailto:Dennis.Lawyer@nrc.gov).

#### 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.

#### **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. 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 e-mail 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 2nd day of February 2011.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1.*

[FR Doc. 2011-3226 Filed 2-11-11; 8:45 am]

BILLING CODE 7590-01-P

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2011-0031]

### **Office of New Reactors; Interim Staff Guidance on Impacts of Construction of New Nuclear Power Plants on Operating Units at Multi-Unit Sites**

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Solicitation of public comment.

**SUMMARY:** The NRC staff is soliciting public comment on its proposed Interim Staff Guidance (ISG) COL-ISG-022 entitled "Impacts of Construction of