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**CATEGORICAL EXCLUSION DETERMINATION
DOMESTIC SHIPMENTS OF FEMP NUCLEAR
MATERIALS - CY 1994 NEPA DOC. NO 444**

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CATEGORICAL EXCLUSION (CX) DETERMINATION

**Domestic Shipments of FEMP Nuclear Materials - CY 1994
FEMP NEPA Document No. 444
Fernald Environmental Management Project
Fernald, Ohio**

Proposed Action

The United States Department of Energy (DOE) proposes as part of the Safe Shutdown Removal Action (No. 12) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to package, load, and ship inventories of Nuclear Materials from the Fernald Environmental Management Project (FEMP) to various domestic corporations and government facilities including Manufacturing Sciences Corporation (MSC) in Oak Ridge, Tennessee.

Location

Packaging and loading activities would take place within the former production area located near the center of the FEMP Site. The FEMP Site occupies 425 hectares (ha) (1,051 acres) and is located approximately 18 miles northwest of downtown Cincinnati, Ohio.

Background

The DOE has several thousand metric tons of uranium (MTU) in depleted, normal, and low enriched form in storage at the FEMP Site. In the past, these uranium materials were used for production related operations. These activities ceased in July 1989; official termination of the FEMP production mission occurred in June 1991. Since nuclear materials are no longer needed at the FEMP site, the DOE published notices in the Commerce Business Daily in April 1992 to seek expressions of interest in acquisition of the surplus uranium by other Federal agencies or commercial firms. As a result of the interest shown, the DOE issued a request for proposals (RFP) for the uranium material in January 1993.

The DOE has determined that the surplus uranium material stored at the FEMP site should be removed to support the environmental restoration mission of the site. The Safe Shutdown of the FEMP facilities, mandated by the September 1991 CERCLA Consent Agreement, requires the removal of uranium material from the FEMP site. This CX has been prepared to address the shipment of stored inventories of nuclear materials to domestic locations. In a related activity, an EA is being prepared by the DOE Defense Programs Office (DOE Headquarters), to address the shipment of select nuclear materials from the FEMP Site and the Hanford Site to international receptors.

Description of the Proposed Action

The proposed action involves the shipment of depleted, normal, and enriched nuclear materials (e.g., derbies, ingots, recoverable residues, UO_3 , UF_4) from the FEMP Site to various domestic corporations or government facilities during Calendar Year (CY) 1994. A maximum of 25 shipments of depleted uranium, 28 shipments of normal material, and 28 shipments of enriched material would occur during CY 1994. The destination of the shipments will be determined as contracts are awarded to successful bidders as a result of the aforementioned RFP.

A successful bidder has been identified for the shipments of the depleted derbies. The successful bidder is MSC, a firm located in Oak Ridge, Tennessee. Due to MSC's programmatic requirements for these derbies, there is an urgency to start shipping the depleted material in early CY 1994.

The shipment of depleted material to MSC would include the following three activities:

- Packaging of the 440 MTU of depleted derbies into U.S. Department of Transportation (DOT) approved containers.
- Loading the containers into twenty-five trucks.
- Transporting the containers to MSC in Oak Ridge, Tennessee.

Packaging and shipment activities for normal and enriched material would be essentially the same procedure discussed above for depleted material.

By decreasing storage costs of the material and reducing the exposure rates to on-site FEMP workers and the surrounding public, this action is both economically and environmentally beneficial for the federal government. Furthermore, risk evaluations conducted for various NEPA documentation at the FEMP (e.g., EA for Proposed Low-Level Waste Processing and Shipment, OU 4 Feasibility Study-Proposed Plan/Environmental Impact Statement) have indicated that the risks to the public from packaging and shipping activities from the FEMP would be within acceptable limits. Therefore, because the shipment of FEMP nuclear inventories identified in this document would also comply with all DOE and Department of Transportation requirements for shipment of radioactive materials, risks to the public are expected to be minimal.

Categorical Exclusion to be Applied

The authority for finding this project to be subject to NEPA Categorical Exclusion is contained in Subpart D of the revision to 10 C.F.R. 1021, entitled "National Environmental Policy Act Implementing Procedures and Guidelines." The Final Rule and Notice, effective May 26, 1992, includes a revised and expanded list of Categorical Exclusions that are classes of actions that normally do not require the preparation of either an Environmental Impact Statement or an Environmental Assessment.

The Final Rule and Notice specifically lists in Part 1021, Appendix B to Subpart D, Section 1021.410, B6.1, the following as types of actions that are Categorical Exclusions applicable to Environmental Restoration and Waste Management Activities:

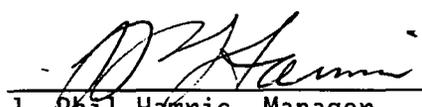
B6.1 Removal actions under CERCLA (including those taken as final response actions and those taken before remedial action) and removal-type actions similar in scope under RCRA and other authorities (including those taken as partial closure actions and those taken before corrective action), including treatment (e.g., incineration), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the removal action. These actions will meet the CERCLA regulatory cost and time limits or satisfy either of the two regulatory exemptions from those cost and time limits (National Contingency Plan, 40 CFR part 300).

(b) Removal of bulk containers (for example, drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants CERCLA-excluded petroleum or natural gas products, or hazardous wastes (designed in 40 C.F.R. part 261), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain.

This Categorical Exclusion is appropriate since the proposed action will be the packaging, loading, and shipment of nuclear material under a CERCLA removal action. The proposed action will not violate applicable statutory, regulatory, or permit requirements; it will not require siting and construction nor major expansion of waste disposal, recovery, or treatment facilities; and it will not have significant adverse impact on any environmentally sensitive areas (e.g., wetlands, floodplains, or the sole-source aquifer).

Compliance Action

I have determined that the proposed action meets the requirements for the CX referenced. Therefore, the proposed action is categorically excluded from further NEPA review and documentation.

Approval: 
J. Phil Hamric, Manager
U.S. Department of Energy, Fernald Field Office

Date: JAN 0 4 1994