

Jersey Department of Environmental Protection for review on June 25, 2009. On August 11, 2009, the New Jersey Department of Environmental Protection responded by letter. 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. 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";
4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities";
5. Memory Pharmaceuticals Corporation Termination Request Letter dated June 25, 2009 [ML091950247];
6. Memory Pharmaceuticals Corporation Additional Information

Letter dated July 10, 2009

[ML091950568]; and

7. Memory Pharmaceuticals Corporation Additional Information Letter dated July 14, 2009 [ML091970047].

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, 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 17th day of September 2009.

For the Nuclear Regulatory Commission.  
**James P. Dwyer,**  
*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*  
 [FR Doc. E9-23040 Filed 9-23-09; 8:45 am]  
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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-04192; NRC-2009-0420]

### Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 12-10243-01, for Unrestricted Use of Environmental Protection Agency Facilities in Chicago, IL

**AGENCY:** Nuclear Regulatory Commission.

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

#### FOR FURTHER INFORMATION CONTACT:

Katie Streit, Health Physicist, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials and Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; Telephone: (630) 829-9621; fax number: (630) 515-1259; or by e-mail at [Katherine.Streit@nrc.gov](mailto:Katherine.Streit@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to terminate NRC Byproduct materials License No. 12-10243-01, which is held by the U.S.

Environmental Protection Agency (licensee). The issuance of the amendment would authorize the unrestricted use of the licensee's laboratory facilities located at 536 South Clark Street, Chicago, Illinois, and similar facilities onboard the Research Vessel (R.V.) Lake Guardian (collectively, the Facilities).

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 amendment request dated October 9, 2008 (ML082890377), and approve release of the Facilities for unrestricted use in accordance with 10 CFR Part 20, Subpart E. License No. 12-10243-01 was issued on August 20, 1964, pursuant to 10 CFR Part 30, and has been amended periodically since that time. The licensee used unsealed Carbon-14 for primary productivity analyses in laboratories located on the seventh and tenth floor of 536 South Clark Street, Chicago, Illinois from November 1977. Unsealed Carbon-14 was also used onboard the R.V. Lake Guardian from August 1992. Nickel-63 sealed sources were used for gas chromatography at the 536 South Clark Street laboratories. Other authorized locations for use of licensed materials under License No. 12-10243-01 were released for unrestricted use pursuant to previous license amendments. The licensee ceased licensed activities in the mid-1990s and disposed of all material licensed under License No. 12.10243-01 by 2005, and has thus requested that its license be terminated.

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 its NRC approved, operating radiation safety procedures, were required. The licensee was not required to submit a decommissioning plan to NRC because worker cleanup activities and surveys are consistent with those approved for routine operations. The licensee submitted a Historical Site Assessment and Final Status survey report to the

NRC on July 8, 2009 (ML091940165) which demonstrated that the Facilities meet the criteria in Subpart E of 10 CFR Part 20 for unrestricted use.

#### *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 Actions*

The historical review of the licensed research activities conducted at the Facilities indicates that Carbon-14 was the only radionuclide used that had a half-life greater than 120 days in unsealed form. The historical review also indicates that Nickel-63 sealed sources were possessed under the license at the Facilities.

The NRC evaluated the licensee's 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 Decommissioning Guidance," Volume 1. The NRC NUREG specifies radionuclide-specific Derived Concentration Guideline Levels (DCGLs), developed by the NRC, which comply with the dose criterion in 10 CFR 20.1402. The DCGLs define the maximum amount of residual radioactivity on surfaces that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted use. The Licensee's final status survey results were well 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

surrounding the Facilities 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 from the Facilities and concluded that the proposed action will not have a significant effect on the quality of the 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 Facilities meet the requirements of 10 CFR 20.1402 for unrestricted use. 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.

#### *Agencies and Persons Consulted*

NRC provided a draft of this Environmental Assessment to the Illinois Emergency Management Agency (IEMA) for review on August 21, 2009. On August 28, 2009, IEMA responded that it had no comments.

#### *Conclusion*

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted use 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.

### **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 image files of NRC's public documents. 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). The documents related to this action are listed below, along with their ADAMS accession numbers.

1. Environmental Protection Agency Responses to September 30, 2008

Requests for Additional Information, dated October 9, 2008 (ADAMS Accession No. ML082890377).

2. Trip Report for March 6, 2009 License Termination Final Status Survey Meeting and Site Tour, dated April 3, 2009 (ADAMS Accession No. ML090930490).

3. Cover Letter to Issuance of U.S. EPA License 12-10243-01 Amendment Number 27, dated September 30, 2008 (ADAMS Accession No. ML082840095).

4. EPA Responses to Request for Additional Information from March 6, 2009 NRC Site Tour, dated July 8, 2009 (ADAMS Accession No. ML091940165).

5. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination."

6. Title 10 Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function."

7. NUREG-1757, Consolidated Decommissioning Guidance, Volume 1.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1F21, 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 16th day of September 2009.

For the Nuclear Regulatory Commission,

**Christine A. Lipa,**

*Branch Chief, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III.*

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