

responsibilities under the Atomic Energy Act to make a decision on a proposed license amendment for release of facilities for unrestricted use that ensures protection of the public health and safety and environment.

Alternatives to the Proposed Action

The only alternative to the proposed action of amending the license and release of the ERC for unrestricted use is no action. The no-action alternative is not acceptable because it will result in violation of NRC's Timeliness Rule (10 CFR 30.36), which requires licensees to decommission their facilities when licensed activities cease. The licensee does not plan to perform any activities with licensed materials at this location. Maintaining the area under a license would reduce options for future use of the property and cause the EPA to continue leasing a building for which it has no more use.

The Affected Environment and Environmental Impacts

The NRC staff has reviewed the survey results provided by the EPA to demonstrate compliance with 10 CFR 20.1402 license termination criteria and the EPA's published EA and FONSI. Based on its review, and on the results of the NRC inspection and confirmatory survey, the staff has determined that the affected environment and environmental impacts associated with the decommissioning of the EPA's ERC 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 Facilities" (NUREG-1496). The staff also finds that the proposed decommissioning of the EPA's ERC is in compliance with 10 CFR 20.1402, the radiological criteria for unrestricted use.

The ERC is a multilevel facility constructed of concrete-reinforced steel, with a brick exterior and flat roof. It contains 253,390 net square feet of space and consists of buildings, greenhouses, storage sheds, cooling towers, storage tanks, groundwater monitoring wells, air-conditioning units, parking lots, and property related articles. Radioactive materials were primarily used in laboratories on lab benches and within fume hoods. The ERC is located within a portion of Durham County with covenants in place that specify that only research be conducted within the facilities located therein.

Licensed material has been disposed of or transferred to the licensee's new facility with the one exception of a sea/land cargo box containing packaged

radioactive waste containers. The license will not be amended until this container has been transferred to the EPA's new facility. The licensee's documentation indicates that no contamination exists above the limits for unconditional release. All of these activities were performed as authorized by the operating license.

Agencies and Persons Contacted and Sources Used

This EA was prepared by NRC Staff using information provided by the EPA. The North Carolina Department of Environment and Natural Resources (NCDENR) was contacted for comment by the EPA and responded by letter dated January 11, 2000. No opposition to the project was noted. The North Carolina Department of Cultural Resources was also contacted by the EPA and responded by letter dated February 11, 2000, with no comment on the project. According to the National Register Information System and the Durham County Historic Inventory, neither of the subject facilities are registered as historic structures or historical areas, and no areas of historical value appear to exist within a 1-mile radius of the ERC.

Conclusion

Based on its review, the NRC staff has concluded that the proposed action complies with 10 CFR part 20. NRC has prepared this EA in support of the proposed license amendment to release the ERC for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined that preparation of an environmental impact statement for the proposed action is not required.

List of Preparers

Orysia Masnyk Bailey, Materials Licensing/Inspection Branch 1, Division of Nuclear Materials Safety, Health Physicist.

List of References

1. NRC License No. 32-14048-04, Docket No. 030-08631 inspection and licensing records.
2. EPA. "Advance Notice of Program Change" Letter dated from J. Morris to NRC dated November 22, 1999.
3. EPA. "Site Characterization/Final Status Report" dated June 26, 2003.
4. Title 10 Code of Federal Regulations Part 20, Subpart E, "Radiological Criteria for License Termination."
5. **Federal Register** Notice, Volume 65, No. 114, page 37186, dated Tuesday, June 13, 2000, "Use of Screening Values to Demonstrate Compliance With The Federal

Rule on Radiological Criteria for License Termination."

6. Booz-Allen & Hamilton. "Finding of No Significant Impact For Remediation And Decontamination Of U.S. Environmental Protection Agency's Research Triangle Park, North Carolina Facilities" dated January 2001. (ML031000189)

7. North Carolina Department of Environment and Natural Resources. "Rare Species, High Quality Communities, and Significant Natural Heritage Areas at Three EPA Sites At Page Road and I-40 and Alexander Drive, RTP, Durham County, North Carolina" Letter from S. Reece Giles to Booz-Allen & Hamilton, dated January 11, 2000.

8. North Carolina Department of Cultural Resources. "Section 106 of the National Historic Preservation Act" Letter from D. Brook to Booz-Allen & Hamilton dated February 11, 2000.

9. NRC Inspection Report No. 32-14048-04/2001-001, March 3-7, 2003. (ML030930159)

III. Finding Of No Significant Impact

Based upon the environmental assessment, the staff concludes that the proposed action will not have a significant impact on the quality of the human environment. Accordingly, the staff has determined that preparation of an environmental impact statement is not warranted.

IV. Further Information

The references listed above are available for public inspection and may also be copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. These documents are also available for public review through ADAMS, the NRC's electronic reading room, at: <http://www.nrc.gov/reading-rm/adams.html>. Any questions with respect to this action should be referred to Orysia Masnyk Bailey, Materials Licensing/Inspection Branch 1, Division of Nuclear Materials Safety, U. S. Nuclear Regulatory Commission, Region II, Suite 23T85, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8931. Telephone 404-562-4739.

Dated at Atlanta, Georgia the 7th day of July, 2003.

For The U.S. Nuclear Regulatory Commission.

Douglas M. Collins,

Director, Division of Nuclear Materials Safety, Region II.

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