

NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 030-34437  
April 17, 2006

Environmental Assessment Related to Issuance of a License Amendment  
of U.S. Nuclear Regulatory Commission Materials License No. 29-30389-01,  
DGI Biotechnologies, LLC in Edison, New Jersey.

## **Introduction**

The U.S. Nuclear Regulatory Commission (NRC) has prepared this environmental assessment (EA) of the termination of the DGI Biotechnologies, LLC (DGI) Materials License Number 29-30389-01, and the release of its Edison site for unrestricted use. The facility was operated by DGI in Edison, New Jersey. DGI was authorized by NRC from January 25, 1997, until October 7, 2003, to use radioactive materials for research and development purposes at the site. In 2003, DGI ceased operations with licensed materials at the Edison site and the DGI facility was taken over by Antyra, Inc. (Antyra). Antyra has requested that NRC terminate the license and release the facility for unrestricted use. Antyra has conducted surveys of the facility and determined that the facility meets the license termination criteria in Subpart E of 10 CFR Part 20. The NRC staff has evaluated the Antyra request and the results of the surveys, and has developed an EA in accordance with the requirements of 10 CFR Part 51. Based on the staff evaluation, the conclusion of the EA is a Finding of No Significant Impact (FONSI) on human health and the environment for the proposed licensing action.

Antyra has requested release for unrestricted use of the DGI building at 40 Talmadge Road, Edison, New Jersey as authorized by the NRC License No. 29-30389-01 and termination of the DGI license. The building is approximately 12,000 square feet of general office and laboratory space located in a mixed commercial and industrial area.

License No. 29-30389-01 was issued in 1997 and amended periodically since that time. NRC-licensed activities performed at the Edison site were limited to laboratory procedures typically performed on bench tops and in hoods using hydrogen-3 (tritium), phosphorous-33, and iodine 125. No outdoor areas were affected by the use of licensed materials.

## **The Proposed Action**

The proposed action is to terminate Materials License No. 29-30389-01 and release the facility at 40 Talmadge Road, Edison, New Jersey for unrestricted use. By letter dated September 28, 2005, Antyra stated that no further actions are required to remediate the DGI facility, and requested release of the facility for unrestricted use and termination of the DGI license. Antyra stated that licensed activities ceased completely in November 2002. Based on the Antyra's and DGI's historical knowledge of the site and the conditions of the facility, Antyra determined that only routine decontamination activities, in accordance with licensee radiation safety procedures, were required. A decommissioning plan was not required to be submitted to the NRC. Antyra surveyed the facility, decontaminated or remediated areas as needed, and provided documentation that the facility meets the license termination criteria specified in Subpart E of

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10 CFR Part 20, and does not require additional decommissioning activities to be performed. Antyra demonstrated this using the screening criteria described in 65 FR 37186.

### **Need for the Proposed Action**

The purpose of the proposed action is to amend NRC Materials License No. 29-30389-01, to allow for the release of 40 Talmadge Road, Edison, New Jersey for unrestricted use and terminate the DGI license. Antyra needs this license change because DGI no longer exists and Antyra does not plan to conduct licensed activities at this facility. NRC is fulfilling its responsibilities under the Atomic Energy Act to make a timely decision on a proposed license amendment for release of facilities for unrestricted use and termination of a license that ensures protection of public health and safety and the environment. Antyra has requested the action to reduce their regulatory burden since they do not intend to conduct licensed activities at this location.

### **Environmental Impacts of the Proposed Action**

The affected environment was described in the Introduction. Antyra has completed all remediation at the site. The NRC staff has reviewed the surveys performed by Antyra to demonstrate compliance with the 10 CFR 20.1402 license termination criteria. Based on its review, the staff has determined that the affected environment and environmental impacts associated with the release for unrestricted use of the DGI facilities 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). The staff also finds that the proposed release for unrestricted use of the DGI facilities is in compliance with Title 10, Code of Federal Regulations, Part 20.1402, “Radiological Criteria for Unrestricted Use.” The NRC has found no other activities in the area that could result in cumulative impacts.

### **Environmental Impacts of the Alternatives to the Proposed Action**

Since the facility at the Edison site has already been surveyed and found acceptable for release for unrestricted use, the only alternative to the proposed action of termination of the license and release of the 40 Talmadge Road, Edison, New Jersey site for unrestricted use is denial of the proposed action (i.e. no action). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

### **Agencies and Persons Consulted**

The NRC staff has determined that the proposed action will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff have 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.

NRC provided a draft of its Environmental Assessment to the New Jersey Department of Environmental Protection for review. On March 28, 2006, the New Jersey Department of Environmental Protection responded by letter and agreed with the conclusions of the EA.

### **Conclusions**

Based on its review, the NRC staff has concluded that the completed action complies with 10 CFR Part 20. The NRC staff have prepared this EA in support of the proposed action to terminate License No. 29-30389-01. On the basis of the EA, NRC has concluded that there are no significant environmental impacts and the license amendment does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

### **List of Preparers**

Joseph Nick, Senior Health Physicist, Division of Nuclear Materials Safety, Region I

### **List of References**

1. NRC License No. 29-30389-01 inspection and licensing records.
2. Final Status Survey Results for DGI Biotechnologies, LLC facility, 40 Talmadge Road, Edison, New Jersey, dated September 28, 2005 [ADAMS Accession No. ML052840126].
3. 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."
4. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination."
5. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."
6. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

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The application for the license amendment and supporting documentation are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. Any questions with respect to this action should be referred to Joseph Nick, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5056, fax (610) 337-5269.

Dated at King of Prussia, Pennsylvania this 17<sup>th</sup> day of April, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

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James P. Dwyer, Chief  
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Region I

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