



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 19, 2009

Dennis Lawyer
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety
Nuclear Regulatory Commission Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406

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**SUBJ: EPA Comments on the License Amendment Request
Center for Coastal Fisheries and Habitat Research Facility,
101 Pivers Island Road, Beaufort, North Carolina**

Dear Mr. Lawyer:

Consistent with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Availability of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the License Amendment to the Byproduct Materials License No. 32-00426-02, for "Termination of the License and Unrestricted Release of the United States Department of Commerce's Facility in Beaufort, NC." This license is held by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service (the Licensee), for its Center for Coastal Fisheries and Habitat Research Facility, located at 101 Pivers Island Road, Beaufort, North Carolina (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated September 10, 2008, and 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.

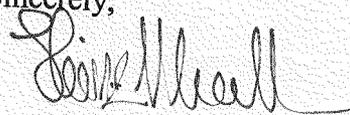
We understand that the Licensee, in their renewal application dated May 17, 2004, "mistakenly requested the addition of 26 grams of uranyl acetate and uranyl nitrate to the license when these materials were possessed under the general license described in 10 CFR 40.22. These materials were appropriately removed from the license with Amendment No. 51 of the license issued on April 3, 2009." We further understand that in July 2007, 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 has thus not been required to submit a

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decommissioning plan to the NRC "because worker cleanup activities and procedures are consistent with those approved for routine operations." The Licensee has reportedly 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 and for license termination.

EPA appreciates the notification concerning the EA/FONSI, the license amendment, and the facility decommissioning activities, and we have no objections to the proposed action. Should you have any questions, feel free to coordinate with my staff engineer, Paul Gagliano, P.E. at 404/562-9373 or gagliano.paul@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management