



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Regulation
Office of Permit Coordination and Environmental Review
401 East State Street
P.O. Box 423
Trenton, New Jersey 08625-0423
Phone: (609) 292-3600 Fax: (609) 777-1330

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

July 31, 2009

Betsy Ullrich, MS, CHP
U.S. Nuclear Regulatory Commission
Region 1, Nuclear Materials Section B
475 Allendale Road
King of Prussia, PA 19406-1415

RE: Merck's NRC License Amendment
Rahway, Union
Draft Environmental Assessment (DEA)
Finding of No Significant Impact (FONSI)

Dear Ms. Ullrich:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the Draft Environmental Assessment (DEA) for the Merck NRC License Amendment in Rahway, Union County. We offer the following comments for your consideration.

Bureau of Environmental Radiation (BER)

Staff of the Radiological Assessment and Decommissioning Section (RADS) of the BER performed a radiological review of the following US Nuclear Regulatory Commission (NRC) document for Merck and Company.

- Nuclear Regulatory Commission Docket No. 030-14680 Notice of availability of Environmental Assessment and finding of no significant impact for license amendment to byproduct nuclear materials license No. 29-00117-06, for termination of the license and unrestricted release of the Merck and Company's facility in Rahway, New Jersey

The BER agrees with the NRC's Finding of No Significant Impact (FONSI) for the proposed action to approve the licensee's amendment request to

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release the Waste Incinerator for unrestricted use. Merck and Company will retain other NRC licenses for this site.

The results of the fixed and removable contamination surveys indicate levels which comply with the Department's remediation criteria of 15 mrem/y (N.J.A.C. 7:28-12.8(a)).

Please contact Ed Truskowski at (609) 984-5542, if you have any questions. Thank you for the opportunity to comment on the DEA.

Sincerely,



Joseph D. Corleto
Principal Environmental Specialist
Office of Permit Coordination
and Environmental Review

Cc: Jenny Goodman, NJDEP