NUCLEAR REGULATORY COMMISSION

[Docket No. 030–03026]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 37–02766–01, for Unrestricted Release of a Fox Chase Cancer Center Facility In Philadelphia, PA

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT: Willie J. Lee, Health Physicist, Medical Branch, Division of Nuclear Materials Safety, Region I, U.S Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, Pennsylvania, 19406; telephone (610) 337–5090; fax (610) 337–5269; or by e-mail: *wj11@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 37–02766–01. This license is held by Fox Chase Cancer Center (the Licensee), for several facilities, including its MRI Building (the Facility), located at 333 Cottman Avenue in Philadelphia, Pennsylvania. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated November 8, 2005. 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 November 8, 2005, license amendment request, resulting in release of the Facility for unrestricted use. License No. 37–02766–01 was issued to American Oncologic Hospital in 1957, transferred to Fox Chase Cancer Center in 1985, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use Hydrogen-3, Carbon-14, Phosphorus-32, and Phosphorus-33 for purposes of research and development activities on laboratory bench tops and in hoods.

The Facility is situated on 17,900 square feet, and consists of general office and laboratory space. The Facility is located in a mixed residential/commercial area. Within the Facility, use of licensed materials was confined to Rooms M019, M144, M153, and M157, with an approximate area of 1600 square feet total.

In September of 2005, the Licensee ceased licensed activities at the Facility and initiated a survey of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that decontamination activities were not required. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that the affected areas were free of contamination and the Facility meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted demolition of its Facility.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Hydrogen–3 and Carbon–14.

The Licensee conducted a final status survey on October 21 and November 4, 2005. This survey covered Labs M019, M144, M151, M153, M155, M156, M157, and adjacent hallways. The Facility contained seven labs; however, only four (M019, M144, M153, and M157) involved the use of byproduct material. The final status survey report was attached to the Licensee's supplemental information submitted in support of the amendment request dated January 31 and February 2, 2006. The Licensee elected to demonstrate 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 NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results indicated that the affected areas were free of contamination and thus were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC concludes that the Licensee 's final status survey results are thus 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). Accordingly, there were no significant environmental impacts from the use of radioactive material at the Facility. 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 Facility. No such hazards or impacts to the environment were identified. The NRC has found no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402.

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 Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, this denial of the application 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.

Conclusion

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

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the Pennsylvania Department of Environmental Protection for review on March 30, 2006. On May 5, 2006, the Pennsylvania Department of Environmental Protection responded by email. 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 Document 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. NRC License No. 37–02766–01 inspection and licensing records.

2. Letter dated November 8, 2005, requesting that the MRI Building at the Fox Chase Cancer Center, Philadelphia, Pennsylvania, be released for unrestricted use [ADAMS Accession No. ML053220642].

3. Letter dated January 31, 2006, providing additional information for MRI Building Decommissioning at Fox Chase Cancer Center, Philadelphia, Pennsylvania [ADAMS Accession No. ML060340527].

4. Letter dated February 2, 2006, providing additional information for MRI Building Decommissioning at Fox Chase Cancer Center, Philadelphia, Pennsylvania [ADAMS Accession No. ML060400106].

5. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance.''

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

7. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

8. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities.''

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@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 King of Prussia, Pennsylvania, this 1st day of June 2006.

For the Nuclear Regulatory Commission.

Pamela J. Henderson,

Chief, Medical Branch, Division of Nuclear Materials Safety, Region I.

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NUCLEAR REGULATORY COMMISSION

Final Regulatory Guide; Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued a revision to an existing guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide 8.38, entitled ''Control of Access to High and Very High Radiation Areas in Nuclear Power Plants,'' describes an acceptable program for implementing the requirements of Title 10, Part 20, of the *Code of Federal Regulations* (10 CFR Part 20), ''Standards for Protection Against Radiation.'' In particular, 10 CFR 20.1101, ''Radiation Protection Programs,'' requires licensees to develop and implement a radiation protection program appropriate to the scope of licensed activities and potential hazards. To augment that requirement, 10 CFR 20.2102, ''Records of Radiation Protection Programs,'' requires licensees to document those radiation protection programs. An important aspect of such programs at nuclear power plants is the institution of a system of controls that includes procedures, training, audits, and physical barriers to protect workers against unplanned exposures in high and very high radiation areas. Toward that end, 10 CFR 20.1601 provides specific requirements applicable to controlling access to high radiation areas, while 10 CFR 20.1602 provides additional requirements to prevent unauthorized or inadvertent entry into very high radiation areas. Appendix A to the revised guide augments this guidance with recommended procedures for good operating practices for underwater diving operations in high and very high radiation areas. In addition, Appendix B summarizes past experience with very high and potentially very high radiation areas, so that pertinent historical information is readily accessible.

Dose rates in areas of nuclear power plants that are accessible to individuals can vary over several orders of magnitude. High radiation areas, where personnel can receive doses in excess of the regulatory limits in a relatively short time, require special controls. Very high radiation areas require much stricter monitoring and controls, because failure to adequately implement effective radiological controls can result in radiation doses that result in a significant health risk. Thus, it is important that licensees have effective programs for controlling access to high