

of 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," as referenced by Subpart A, "Early Site Permits," of 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," and all applicable requirements therein have been satisfied. The permit holder's request for the proposed permit was previously noticed in the **Federal Register** on December 2, 2003 (68 FR 67489), with a notice of hearing and opportunity to petition for leave to intervene.

This ESP complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR Chapter I and the National Environmental Policy Act of 1969. Accordingly, the NRC issued this ESP on November 27, 2007, and it was effective immediately.

## II. Further Information

The NRC has prepared a Safety Evaluation Report (SER) and a Final Environmental Impact Statement (FEIS) that document the information that the staff reviewed and NRC's conclusion. In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," details with respect to this action, including the SER and accompanying documentation included in the ESP package, are available electronically via the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, users can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The following ADAMS accession numbers apply to the documents related to this notice:

ML052710305 NUREG-1835, "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site," September 2005

ML063170371 NUREG-1835, "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site (NUREG-1835 Supplement 1)," November 2006

ML063480261 NUREG-1811, Vol. 1, "Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site, Final Report, Main Report," December 31, 2006

ML063480263 NUREG-1811, Vol. 2, "Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site, Final Report, Appendices E & F," December 31, 2006

ML042010009 North Anna Early Site Permit Application Package, September 25, 2003  
ML073180440 North Anna Early Site Permit

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, One White Flint North, Room O1 F21, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 27th day of November 2007.

For the Nuclear Regulatory Commission.

**Mohammed Shuaibi,**

Chief, ESBWR/ABWR Projects Branch 1,  
Division of New Reactor Licensing, Office of  
New Reactors.

[FR Doc. E7-23468 Filed 12-3-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-06377]

**Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Source Materials License No. Sub-348, for Unrestricted Release of the Department of the Army, U.S. Army Research, Development and Engineering Command, Armament Research, Development and Engineering Center, Building 611b Facility in Picatinny, NJ**

**AGENCY:** Nuclear Regulatory Commission.

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

### FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Senior Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone (610) 337-5040; fax number (610) 337-5269; or by e-mail: [exu@nrc.gov](mailto:exu@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Source Materials License No. SUB-348.

This license is held by the Department of the Army, U. S. Army Research, Development and Engineering Center (RDEC), Armament Research, Development and Engineering Center (ARDEC) (the Licensee), for its activities at the Picatinny Arsenal located in Picatinny, New Jersey. Issuance of the amendment would authorize release of Building 611B for unrestricted use. The Licensee requested this action in a letter dated May 14, 2007. 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 May 14, 2007 license amendment request, resulting in release of Building 611B for unrestricted use. License No. SUB-348 was issued on July 13, 1961, pursuant to 10 CFR Part 40, and has been amended periodically since that time. This license authorized the Licensee to use uranium and thorium in any form for purposes of conducting research and development activities.

The Picatinny Arsenal is situated on 6,500 acres of land and consists of office space, laboratories, and specialized facilities. The Picatinny Arsenal is located in a mixed residential and commercial area. Building 611B was one of several buildings where use of licensed material was performed under the authority of RDEC/ARDEC, one of the military tenants at Picatinny Arsenal. Building 611B is a single-story concrete structure of about 1,100 square feet, containing two test-firing ranges. One of the firing ranges was used for the testing of depleted uranium munitions. Building 611B is located in a cleared area on a rocky and wooded hillside, within a fenced area of approximately 40,000 square feet. Other structures within the fenced area include an Outdoor Storage Area and two movable electrical storage shelters.

On November 19, 1998, the Licensee notified the NRC that they had ceased licensed activities and initiated a survey and decontamination of Building 611B. Based on the Licensee's historical knowledge of the site and the conditions of the Building 611B, the Licensee

determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee submitted a decommissioning plan for Building 611B. The NRC's approval of the Licensee's decommissioning plan was published in the **Federal Register** on Friday, March 31, 2000 (65 FR 17322). The Licensee conducted surveys of the Building 611B and provided information to the NRC to demonstrate that it 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 Building 611B and seeks the unrestricted use of this facility.

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

The historical review of licensed activities conducted at the Building 611B shows that such activities involved use of depleted uranium, a radionuclide with a half-life greater than 120 days. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Building 611B affected by this radionuclide.

The Licensee conducted a final status survey during August and September, 2003. This survey covered areas inside Building 611B including the DU Tunnel, the Non-DU Tunnel, the Foyer, the Instrument Room, and the Indoor Storage Area; exterior surfaces of building 611B; an Outdoor Storage Area; two movable electrical storage containers; and the open land area and bunker within the fence line for the Building 611B area. The final status survey report was attached to the Licensee's amendment request dated May 14, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by developing derived concentration guideline levels (DCGLs) for its Building 611B. The Licensee conducted site-specific dose modeling using input parameters specific to the Building 611B. For soil, the Licensee used the RESRAD code, version 5.82, with all default values except for a smaller thickness of contaminated soil (0.25 meters instead of 2 meters) and a smaller contaminated area (4000 square-meters instead of 10,000 square-meters), and did not use the pathways for milk or meat ingestion because of the small area. The soil DCGL was determined to be 186 picocuries per gram of soil. For contaminated building surfaces, the

Licensee used the RESRAD-Build code, version 3.0 with all default values except for the removable fractions (10 percent instead of 50 percent), the fraction indoors (0.33 instead of 0.5) and the exposure duration (250 days instead of 365 days). The building surface DCGL was determined to be 5,550 disintegrations per minute (dpm) per 100 square-centimeters area. The NRC previously reviewed the Licensee's methodology and proposed DCGLs, and concluded that the proposed DCGLs are acceptable for use as release criteria at the Building 611B. The Licensee's final status survey results were below these DCGLs, and 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). The staff finds there were no significant environmental impacts from the use of radioactive material at Building 611B. 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 Building 611B. No such hazards or impacts to the environment were identified, except the presence of unexploded ordnance identified by the Licensee. Department of the Army personnel surveyed the area for unexploded ordnance prior to, and during, all activities performed in the outdoor area surrounding Building 611B, and removed any unexploded ordnance found. The NRC has identified 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 Building 611B for unrestricted use is in compliance with 10 CFR 20.1402. Although the Licensee will continue to perform licensed activities at other parts of the Picatinny Arsenal, the Licensee must ensure that this decommissioned area does not become recontaminated. Before the license can be terminated, the Licensee will be required to show that the entire Picatinny Arsenal, including previously-released areas, complies with the radiological criteria in 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Building 611B and concluded that the proposed action will

not have a significant effect on the quality of the human environment.

#### *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 40.42(d), requiring that decommissioning of source 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 Building 611B meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request 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 State of New Jersey Department of Environmental Protection (NJDEP) for review on October 2, 2007. On November 8, 2007, NJDEP responded by letter. 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. Letter dated November 29, 1999, with the "Picatinny Arsenal Decommissioning Plan for Building 611B" [ML003683836];
2. Letter dated November 24, 2000 [ML003772619] with Amendment No. 23 [ML003773181];
3. Letter dated May 9, 2002 with the "Final Survey Plan for the TACOM-ARDEC Picatinny Arsenal Building 611B, Revision 1, January 2002" [ML021400335];
4. Letter dated October 16, 2002 with Amendment No. 26 [ML022970431];
5. Inspection 040-06377/2003-001, September 4, 18 and 22, 2003 [ML032930404];
6. Letter dated May 14, 2007 with the "Final Survey Report for the TACOM-ARDEC Picatinny Arsenal Building 611B" [ML071620348];
7. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
8. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"
9. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;" and
10. 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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reproduction contractor will copy documents for a fee.

Dated at King of Prussia, Pennsylvania this 27th day of November 2007.

For the Nuclear Regulatory Commission.

**James Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E7-23475 Filed 12-3-07; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

#### Advisory Committee on Nuclear Waste and Materials; Meeting on Planning and Procedures; Notice of Meeting

The Advisory Committee on Nuclear Waste and Materials (ACNW&M) will hold a Planning and Procedures meeting on December 17, 2007, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW&M, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

#### Monday, December 17, 2007—11 a.m.—12 p.m.

The Committee will discuss proposed ACNW&M activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Officer, Dr. Antonio F. Dias (Telephone: 301/415-6805) between 8:15 a.m. and 5 p.m. (ET) 5 days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACNW&M meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54693).

Further information regarding this meeting can be obtained by contacting the Designated Federal Officer between 8:15 a.m. and 5 p.m. (ET). Persons planning to attend this meeting are urged to contact the above-named individual at least 2 working days prior

to the meeting to be advised of any potential changes in the agenda.

Dated: November 27, 2007.

**Antonio F. Dias,**

*Chief, Nuclear Waste & Materials Branch.*

[FR Doc. E7-23466 Filed 12-3-07; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

#### Sunshine Federal Register Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of December 3, 10, 17, 24, 31, 2007; January 7, 2008.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### MATTERS TO BE CONSIDERED:

##### Week of December 3, 2007—Tentative

*Friday, December 7, 2007*

10 a.m.

Discussion of Intragovernmental Issues (Closed—Ex. 1 & 9).

2 p.m.

Briefing on Threat Environment Assessment (Closed—Ex. 1).

##### Week of December 10, 2007—Tentative

*Wednesday, December 12, 2007*

9:30 a.m.

Discussion of Management Issues (Closed—Ex. 2).

##### Week of December 17, 2007—Tentative

There are no meetings scheduled for the Week of December 17, 2007.

##### Week of December 24, 2007—Tentative

There are no meetings scheduled for the Week of December 24, 2007.

##### Week of December 31, 2007—Tentative

There are no meetings scheduled for the Week of December 31, 2007.

##### Week of January 7, 2008—Tentative

There are no meetings scheduled for the Week of January 7, 2007.

\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you