NUCLEAR REGULATORY COMMISSION
DOCKET NO. 030-34751
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Environmental Assessment and Finding of No Significant Impact
Related to Issuance of a License Amendment
of U.S. Nuclear Regulatory Commission Materials License No.31-02892-06,
Issued to VA Medical Center in Brooklyn

I. INTRODUCTION

The U.S. Nuclear Regulatory Commission (NRC) is considering terminating Materials License Number 31-02892-06 and authorizing the release of the licensee's facility at the St. Albans Extended Care Center in Queens, New York, for unrestricted use and has prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) in support of this action.

The NRC has reviewed the results of the decommissioning of the St. Albans Extended Care Center facility in Queens, New York. The VA Medical Center in Brooklyn was authorized by NRC since August 20, 1998, to possess radioactive materials during decontamination and decommissioning of the facility at the St. Albans Extended Care Center site. In January, 2003, the VA Medical Center in Brooklyn completed decommissioning operations, and by letter dated May 15, 2003, requested that NRC terminate the license and release the facility for unrestricted use. The VA Medical Center in Brooklyn has conducted surveys of the facility and determined that the St. Albans Extended Care Center facility meets the license termination criteria in Subpart E of 10 CFR Part 20. The NRC staff has evaluated the request from the VA Medical Center in Brooklyn 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.

II. ENVIRONMENTAL ASSESSMENT

Summary

The VA Medical Center in Brooklyn requested release for unrestricted use of the buildings at the St. Albans Extended Care Center facility, located at 179th Street and Linden Boulevard, Queens, New York, as authorized by NRC License No. 31-02892-06, and termination of the license. License No. 31-02892-06 was issued on August 20, 1998 and amended on October 10, 2000. A decommissioning plan was submitted to the NRC on July 7, 2000. Derived Concentration Guideline Limits (DCGLs), which met the license termination criteria in Subpart E of 10 CFR Part 20, were proposed in June, 2000, and incorporated into the amended license. NRC-licensed activities performed at the St. Albans Extended Care Center, Queens, New York, site were limited to decommissioning and remediation of contaminated areas. No outdoor areas were affected by the use of licensed materials.

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Licensed activities ceased completely in January, 2003, and by letter dated May 15, 2003, the licensee requested release of the facility for unrestricted use and termination of the license. 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 licensee radiation safety procedures and the decommissioning plan, were required. The licensee 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 10 CFR Part 20, and does not require additional decommissioning activities to be performed. The licensee demonstrated this by satisfying survey requirements of the decommissioning plan and demonstrating that the results of surveys met the DCGLs specified in License Condition 13 of Amendment 1 to License No. 31-02892-06. The licensee subsequently requested that the facility be released for unrestricted use and that the license be terminated.

The Proposed Action

The proposed action is to terminate Materials License No. 31-02892-06 and release the St. Albans Extended Care Center facility at 179th Street and Linden Boulevard, Queens, New York for unrestricted use. By letter dated March 13, 2003, VA Medical Center in Brooklyn provided survey results which demonstrate that the St. Albans Extended Care Center is in compliance with the radiological criteria for license termination in Subpart E, 10 CFR Part 20, "Radiological Criteria for License Termination." No further actions are required by the licensee to remediate the facility.

Purpose and Need for the Proposed Action

The purpose of the proposed action is to amend NRC Materials License No.31-02892-06, to allow for the release of the St. Albans Extended Care Center facility for unrestricted use and terminate the license. The licensee needs this license change because it no longer plans to conduct licensed activities at this facility. The proposed action is needed to reduce the licensee's regulatory burden of maintaining a license after it no longer intends to conduct activities at this site associated with the license. NRC is fulfilling its responsibilities under the Atomic Energy Act to make a 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.

Alternative to the Proposed Action

Since the facility at the St. Albans Extended Care Center 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 St. Albans Extended Care Center site for unrestricted use is no action. The no-action alternative is not acceptable because the licensee does not plan to perform any activities with licensed materials at this location and does not plan to maintain staff to perform licensed activities. Maintaining the area under a license would reduce options for future use of the property.

The Affected Environment and Environmental Impacts

The St. Albans Extended Care Center facility incorporates 15 buildings on 55 acres located at 179th Street and Linden Boulevard in Queens, NY. The facility was formerly a U. S. Navy hospital. The Navy was authorized by the U. S. Atomic Energy Commission, under various licenses from 1956 through 1973, to use radioactive materials for nuclear medicine purposes. As a result of a review in the early 1990s of previously terminated licenses, strontium-90 and tritium residual contamination was identified on site. The affected area of the facility consisted of the former nuclear medicine laboratory and associated rooms in the basement of one building, identified as Building 90.

The NRC staff has reviewed the surveys performed of Building 90 by the VA Medical Center in Brooklyn 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 St. Albans Extended Care Center facility 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 St. Albans Extended Care Center facility 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.

Agencies and Persons Consulted

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, NRC staff has determined that the proposed action is not the type of activity 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 EA to the New York City Health Department, Bureau of Radiological Health, the New York State Department of Environmental Conservation, Bureau of Hazardous Waste and Radiation Management, and the U. S. Environmental Protection Agency, Region 2, for their review. On June 30, 2003, the New York State Department of Environmental Conservation responded by letter, and agreed with the conclusion of the EA. On August 11, 2003, the New York City Health Department, Bureau of Radiological Health, responded by e-mail and agreed with the conclusion of the EA. On August 8, 2003, the U. S. Environmental Protection Agency, Region 2, responded by letter and agreed with the conclusions of the EA following adequate resolution of two initial concerns as reported in a Memorandum for Record from the USACE, New York and Baltimore Districts, dated July 30, 2003 (see references 13 and 14 in List of References).

Conclusion

Based on its review, the NRC staff has concluded that the completed action complies with 10 CFR Part 20. NRC has prepared this EA in support of the proposed license amendment to terminate the license and release the facility for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

List of Preparers

John R. Wray, CHP, Division of Nuclear Materials Safety, Region I

List of References

1. NRC License No. 31-02892-06, inspection and licensing records.

2. Justification for Modified Derived Concentration Guidelines, St. Albans Veterans Administration Extended Care Facility, Queens, New York, Contract No. DACA31-96-D-0006 (Roy F. Weston, Inc.), Department of the Army, New York District, Corps of Engineers, June 24, 1999, [ADAMS Accession No. ML003685521].

3. NRC Letter dated October 7, 1999, Jackson to Godfrey, Review of Justification for Modified Derived Concentration Guidelines, St. Albans Veterans Administration Extended Care Facility, Queens, New York. [ADAMS Accession No. ML992810132].

4. Addendum to Justification for Modified Derived Concentration Guidelines, St. Albans Veterans Administration Extended Care Facility, Queens, New York, Contract No. DACA31-96-D-0006 (Roy F. Weston, Inc.), Department of the Army, New York District, Corps of Engineers, October 18, 1999. [ADAMS Accession No. ML031610753].

5. NRC Letter dated May 16, 2000, Bellamy to Godfrey, Evaluation of DCGLs for the St. Albans Extended Care Center. [ADAMS Accession No. ML603716196].

6. Justification for Strontium-90 Soil DCGL, St. Albans Veterans Administration Extended Care Facility, Queens, New York, Contract No. DACA31-96-D-0006 (Roy F. Weston, Inc.), Department of the Army, New York District, Corps of Engineers, June 7, 2000, [ADAMS Accession No. ML031610758].

7. NRC Letter dated June 20, 2000, Jackson to Mallen of the VA Medical Center in Brooklyn. [ADAMS Accession No. ML003725132].

8. Final Report: Final Status Survey of St. Albans VA Medical Hospital, Queens, New York C02NY0763, Department of the Army, New York District, Corps of Engineers, March 6, 2002. [ADAMS Accession No. ML020730606].

9. Final Remedial Action Report for Decontamination and Decommissioning, St. Albans Veterans Administration Extended Care Facility, Queens, New York, Department of the Army, New York District, Corps of Engineers, January, 2003, [ADAMS Accession No. ML030830087].

10. VA Medical Center in Brooklyn Letter dated May 15, 2003, Request to Terminate License No. 31-02892-06 [ADAMS Accession No. ML031400081].

11. New York State Department of Environmental Conservation, Bureau of Hazardous Waste and Radiation Management, Letter dated June 30, 2003, Youngberg to W(r)ay, agreeing with NRC proposed action to terminate License No. 31-02892-06 [ADAMS Accession No. ML032240261].

12. New York City Health Department, Bureau of Radiological Health, e-mail dated August 11, 2003, Miskin to White (ADW), agreeing with NRC proposed action to terminate License No. 31-02892-06 [ADAMS Accession No. ML032260229].

13. EPA, Region 2 Letter dated August 8, 2003, Musumeci to Wray, agreeing with NRC proposed action to terminate License No. 31-02892-06 [ADAMS Accession No. ML032240208].

14. Memorandum for the Record dated July 30, 2003, from David Brouwer, regarding a teleconference call on July 1, 2003, to address EPA, Region 2, concerns with the Final Remedial Action Report for Decontamination and Decommissioning, St. Albans Veterans Administration Extended Care Facility, Queens, New York [ADAMS Accession No. ML032260232].

15. Title 10 Code of Federal Regulations, Part 20, Subpart E, “Radiological Criteria for License Termination.”

16. Title 10, Code of Federal Regulations, Part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.”

17. NUREG-1496, “Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities”

II. FINDING OF NO SIGNIFICANT IMPACT

Based upon the EA, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined that preparation of an environmental impact statement is not warranted.

IV. FURTHER INFORMATION

The references listed above are available for public inspection and may also be copied for a fee at the U. S. Nuclear Regulatory Commission's (NRC's) Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. These documents are also available for public review through ADAMS, the 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 John R. Wray, Decommissioning and Laboratory Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5268, fax (610) 337-5269.

Dated at King of Prussia, Pennsylvania this 26 day of August, 2003

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Ronald R. Bellamy, PhD, Chief
Decommissioning and Laboratory Branch
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