

September 26, 2005

NUCLEAR REGULATORY COMMISSION

DOCKET NUMBER 030-34325

**ENVIRONMENTAL ASSESSMENT RELATED TO RELEASE OF FACILITY
FOR UNRESTRICTED USE FOR THE DEPARTMENT OF VETERANS AFFAIRS
CHICAGO HEALTH CARE SYSTEM**

LAKESIDE CAMPUS - LAKESIDE HOSPITAL BUILDING, CHICAGO, ILLINOIS

Introduction

The U.S. Nuclear Regulatory Commission (NRC) staff has prepared this environmental assessment (EA) to support the Department of Veterans Affairs (DVA) April 27, 2005, request to release their Chicago Health Care System, Lakeside Campus - Lakeside Hospital Building in Chicago, Illinois, for unrestricted use. The Chicago, Illinois facility is a permittee under the DVA NRC Master Material License (MML) Number 03-23853-01VA, and has requested the NRC review and approve the facility, with the exception of the area where nuclear medicine activities are being performed, for unrestricted release. The approval is consistent with a November 10, 2004, Letter of Understanding (LOU) between the NRC and DVA for DVA permittees. The LOU requires the DVA to submit for NRC review, permittee requests for the release of buildings for unrestricted use where radioactive materials with a half-life greater than 120 days were used. The DVA has occupied the Lakeside Hospital Building since it was built in about 1955, and was authorized to use byproduct, source, and special nuclear material for medical diagnosis, therapy, and research beginning in 1957. The DVA identified six isotopes of concern with half-lives greater than 120 days that it used in the Lakeside Hospital Building since 1957: hydrogen-3, carbon-14, chlorine-36, cobalt-60, nickel-63, and cesium-137. This EA was developed in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

Proposed Action

The proposed action is to approve the release of the DVA Chicago Health Care System, Lakeside Campus - Lakeside Hospital Building in Chicago, Illinois, for unrestricted use, consistent with the LOU, for radioactive materials with a half-life greater than 120 days. The proposed action excludes approval for the release of those portions of the facility where nuclear medicine activities are being performed in compliance with 10 CFR 35.100 and 35.200, in which only short-lived radioactive isotopes are being used (i.e., isotopes with a half-life less than 120 days). The LOU allows the DVA to release facilities where isotopes of less than 120 days were used for unrestricted use without NRC approval. The DVA provided survey results which demonstrated that the entire Lakeside Hospital Building was in compliance with Title 10, Code of Federal Regulations, 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use." The survey results included rooms where the nuclear medicine activities are being conducted, and verified compliance with 10 CFR 20.1402 for isotopes with half-lives longer than 120 days in those rooms as well as the rest of the facilities. No radiological remediation activities are required to complete the proposed action.

Need for the Proposed Action

The licensee made this request because it no longer plans to conduct NRC permitted activities at its Chicago Health Care System, Lakeside Campus - Lakeside Hospital Building in Chicago, Illinois. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows the Chicago, Illinois facility to be released for unrestricted use.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the information provided and surveys performed by the DVA to demonstrate compliance with the radiological criteria for unrestricted use in 10 CFR Part 20.1402. Based on its review, the staff determined there were no radiological or non-

radiological environmental impacts associated with the action since no radiological remediation activities were required to complete the proposed action. The NRC staff has concluded that the radiological environmental impacts of the release of the DVA Chicago Health Care System, Lakeside Campus - Lakeside Hospital Building for unrestricted use is 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). Additionally, no non-radiological or cumulative impacts were identified. Therefore, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment.

Alternatives to the Proposed Action

The only alternative to the proposed action of releasing the facility for unrestricted use is to take no action. Under the no-action alternative, the licensee's facility would remain under an NRC license and would not be released for unrestricted use. Denial of the license amendment request would result in no change to current conditions at the hospital. The no-action alternative is not acceptable because it is inconsistent with the NRC's Timeliness Rule, 10 CFR Part 30.36, "Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas," which require licensees who have ceased licensed activities to request termination of their radioactive material license. This alternative also would impose an unnecessary regulatory burden and limit potential benefits from future use of the hospital's facilities.

Agencies and Persons Consulted

This EA was prepared by William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety (DNMS), Region III (RIII). The NRC staff have determined that the proposed action is administrative and/or procedural in nature and 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 have determined that the

proposed action is not the type of activity that has the potential to cause effects on historic properties because it is an administrative and/or procedural action. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

Conclusion

The NRC staff concluded that the proposed action is consistent with the radiological criteria for unrestricted use specified in 10 CFR Part 20, Subpart E. With the exception of the rooms where diagnostic nuclear medicine activities are being performed, the facility may be released for unrestricted use. When the VA ceases all licensable activities related to the diagnostic nuclear medicine operation, the VA may release those rooms for unrestricted use without NRC approval as long as no radioactive materials with a half-life greater than 120 days have been possessed or used. Therefore, the NRC has concluded that the proposed action will not have a significant effect on the quality of the human environment and has determined that an environmental impact statement for the proposed action is not necessary.

Sources Used

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," details with respect to this action, including the application for amendment and supporting documentation, are available electronically for public inspection and copying from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). The following references are available:

- E. Lynn McGuire, Department of Veterans Affairs, letter to U.S. Nuclear Regulatory Commission, April 27, 2005 (ADAMS Accession No. ML051190353).
- Final Status Survey Report, VA Chicago - Lakeside Campus, Lakeside Hospital Building, December 8, 2004 (ADAMS Accession No. ML051190353).

- Historical Site Assessment, Radioactive Material Use at the VA Lakeside Hospital and Medical Sciences Building, September 20, 2004 (ADAMS Accession No. ML042920463).
- U.S. Nuclear Regulatory Commission, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," NUREG-1748, August 2003.
- U.S. Nuclear Regulatory Commission, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," NUREG-1496, August 1994.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

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