

NUCLEAR REGULATORY COMMISSION  
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November 9, 2005

Environmental Assessment Related to Issuance of a License Amendment  
of U.S. Nuclear Regulatory Commission Materials License No. 45-25601-01,  
LifeNet in Virginia Beach, Virginia

## **Introduction**

The U.S. Nuclear Regulatory Commission (NRC) has prepared this environmental assessment of the amendment of LifeNet's Materials License Number 45-25601-01 and the release of its facility located on Miller Store Road in Virginia Beach for unrestricted use. The LifeNet Research and Development at LifeNet on Miller Store Road facility is operated by LifeNet in Virginia Beach, Virginia. LifeNet was authorized by NRC from September 17, 2002, to use radioactive materials for research and development purposes at the site. In 2005, LifeNet ceased operations with licensed materials at the 1457 Miller Store Road, Suite 105, Virginia Beach, Virginia site, and requested that NRC release the facility for unrestricted use. LifeNet has conducted surveys of the facility and determined that the facility meets the license termination criteria in Subpart E of 10 CFR Part 20. The NRC staff has evaluated LifeNet's request and the results of the surveys, and has developed an environmental assessment (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.

LifeNet requested release for unrestricted use of the area where licensed material was used in Suite 105, 1457 Miller Store Road, Virginia Beach, Virginia as authorized by NRC License No. 45-25601-01. The facility encompasses 1145 square feet of general office and laboratory space and was located in a light industrial and commercial area.

License No. 45-25601-01 was issued in 2002 and was amended periodically since that time. NRC-licensed activities performed at the Virginia Beach site were limited to laboratory procedures performed on bench tops using tritium. No outdoor areas were affected by the use of licensed materials.

## **The Proposed Action**

The proposed action is to amend Materials License No. 45-25601-01 and release the facility at 1457 Miller Store Road, Suite 105, Virginia Beach, Virginia for unrestricted use. By letter dated September 12, 2005, LifeNet stated that no further actions are required to remediate the facility and requested release of the facility for unrestricted use. LifeNet stated that licensed activities ceased completely in August 2005. 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, were required. A decommissioning plan was not required to be submitted to the NRC. 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 using the screening criteria described in 65 FR 37186.

### **Need for the Proposed Action**

The purpose of the proposed action is to amend NRC Materials License No. 45-25601-01 to allow for the release of 1457 Miller Store Road, Suite 105, Virginia Beach, Virginia for unrestricted use. The licensee needs this license change because it no longer plans to conduct licensed activities at this facility. NRC is fulfilling its responsibilities under the Atomic Energy Act to make a timely decision on a proposed license amendment for release of facilities for unrestricted use that ensures protection of public health and safety and the environment. The licensee has requested the action to reduce their regulatory burden since they no longer intend to conduct licensed activities at this location.

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

The affected environment was described in the Introduction. The licensee has completed all remediation at the site. The NRC staff has reviewed the surveys performed by LifeNet 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 LifeNet facilities 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 LifeNet facilities 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.

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

Since the facility at the LifeNet Research and Development at LifeNet on Miller Store Road site has already been surveyed and found acceptable for release for unrestricted use, the only alternative to the proposed action of amendment of the license and release of the 1457 Miller Store Road, Suite 105, Virginia Beach, Virginia site for unrestricted use is denial of the proposed action (i.e. no action). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

### **Agencies and Persons Consulted**

The 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, the NRC staff have 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.

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NRC provided a draft of its Environmental Assessment to the Commonwealth of Virginia, Department of Health for review. On October 3, 2005, the Commonwealth's Department of Health responded by electronic mail and agreed with the conclusions of the EA.

### **Conclusions**

Based on its review, the NRC staff has concluded that the completed action complies with 10 CFR Part 20. The NRC staff have prepared this EA in support of the proposed action to amend License No. 45-25601-01. On the basis of the EA, NRC has concluded that there are no significant environmental impacts and the license amendment does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

### **List of Preparers**

Dennis Lawyer, Health Physicist, Division of Nuclear Materials Safety, Region I

### **List of References**

1. NRC License No. 45-25601-01 inspection and licensing records.
2. Letter dated September 12, 2005, requesting release of facility and enclosing Decommissioning Survey Report for LifeNet, 1457 Miller Store Road, Virginia Beach, Virginia. [ADAMS Accession No. ML052640482]
3. Federal Register Notice, Volume 65, No. 114, page 37186, dated Tuesday, June 13, 2000, "Use of Screening Values to Demonstrate Compliance With The Federal Rule on Radiological Criteria for License Termination."
4. Title 10, Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination."
5. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."
6. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

The application for the license amendment and supporting documentation are available for inspection at 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 Dennis Lawyer, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5366, fax (610) 337-5269.

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Dated at King of Prussia, Pennsylvania this 9th day of November, 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

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