

**NUCLEAR REGULATORY COMMISSION**

**DOCKET NO. 030-34325**

**NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO  
SIGNIFICANT IMPACT FOR AMENDMENT OF A MATERIALS PERMIT IN ACCORDANCE  
WITH BYPRODUCT MATERIALS LICENSE NO. 03-23853-01VA, FOR UNRESTRICTED  
RELEASE OF A DEPARTMENT OF VETERANS AFFAIR'S FACILITY IN  
HAMPTON, VIRGINIA**

**AGENCY:** Nuclear Regulatory Commission.

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

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**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend a materials permit held under Byproduct Materials License No. 03-23853-01VA. The permit is held by the Department of Veterans Affairs (the Licensee), for its Hampton VA Medical Center facilities, located at 100 Emancipation Drive, Hampton, Virginia (the Facility). Issuance of the amendment would authorize release of Building 72 (described below) for unrestricted use. The Licensee requested this action in a letter dated October 22, 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 October 22, 2007, materials permit amendment request, resulting in release of Building 72 for unrestricted use. License No. 03-23853-01VA was issued on March 17, 2003, pursuant to 10 CFR Parts 30 and 35, and has been amended periodically since that time. This license authorizes the Licensee to use byproduct materials at several Licensee facilities around the country, as authorized on a site-specific basis by permits issued by the Licensee's National Radiation Safety Committee. Under the license, the permits authorize the use of by-product materials for various medical and veterinary purposes, and for use in portable gauges.

The Facility is situated on an 85-acre site and is located in a residential area of Hampton, Virginia. Within the Facility, Building 72 was constructed in 1908 and was originally used as a dining room for soldiers. In 1974 the 10,600 square foot structure was converted into a research facility. Building 72 has a single floor, and is made of brick with a wood frame attic. Based on a Historical Site Assessment, there was no evidence that radioactive material was used in Building 72 prior to the conversion of the building to a research facility in 1974. Licensed materials were used for both medical diagnostic and treatment purposes, as well as for research purposes, including animal studies. The licensee ceased using licensed materials in Building 72 in 2001, and conducted, but did not complete, surveys and decontamination of the building. In February 2007, the licensee initiated additional surveys and decontamination of

the building. Based on the Licensee's historical knowledge of the site and the conditions within Building 72, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted final status surveys of Building 72 on June 28, 2007. The results of these surveys along with other supporting information were provided to the NRC to demonstrate that the criteria in Subpart E of 10 CFR Part 20 for unrestricted release have been met.

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

The Licensee has ceased conducting licensed activities in Building 72, and seeks the unrestricted use of Building 72.

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

The historical review of licensed activities conducted in Building 72 shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Building 72 affected by these radionuclides.

The Licensee completed final status surveys on Building 72 on June 28, 2007. The surveys covered the floor area of Building 72, as well as sinks and drains, laboratory counters, hoods, refrigerators, and other horizontal surfaces. The final status survey report was attached to the Licensee's amendment request dated October 22, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 using release criteria for building surfaces based on NRC Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors." These release criteria are much more restrictive than the radionuclide-specific dose-based release criteria, described in

NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below the Regulatory Guide 1.86 values and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are 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 in Building 72. The NRC staff reviewed available docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding Building 72. No such hazards or impacts to the environment were identified. 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 issuance of the proposed amendment authorizing release of Building 72 for unrestricted use is in compliance with 10 CFR Part 20. Based on its review, the staff considered the impact of the residual radioactivity from Building 72 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 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 Building 72 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 Virginia Radioactive Materials Program for review on February 25, 2008. The State agreed with the conclusions of the EA, and otherwise provided 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. E. Lynn McGuire, Department of Veterans Affairs, letter to Cassandra Frazier, U.S. Nuclear Regulatory Commission, Region III, dated October 22, 2007 (ADAMS Accession No. ML072980830);
2. Regulatory Guide 1.86, "Termination of Operating Licenses for Reactors;"
3. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"
4. Title 10 Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"
5. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;"
6. NUREG-1757, "Consolidated NMSS Decommissioning Guidance."

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 email 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, 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 Lisle, Illinois, this 17<sup>th</sup> day of March 2008

For the Nuclear Regulatory Commission,

**/RA/**

Patrick Loudon, Chief  
Decommissioning Branch  
Division of Nuclear Materials Safety  
Region III

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