



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 29, 2016

ALL AGREEMENT STATES AND NON-AGREEMENT STATES

U.S. NUCLEAR REGULATORY COMMISSION MEMORANDUM OF UNDERSTANDING WITH  
THE U.S. DEPARTMENT OF DEFENSE REGARDING REMEDIATION OF UNLICENSED  
RADIOACTIVE MATERIAL (STC-16-072)

**Purpose:** To provide information about the U.S. Nuclear Regulatory Commission's (NRC) memorandum of understanding (MOU) with the Department of Defense (DoD) regarding DoD's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remediation of radium and other unlicensed Atomic Energy Act of 1954, as amended (AEA) material.

**Background:** In SECY-14-0082, "Jurisdiction for Military Radium and the U.S. Nuclear Regulatory Commission Oversight of U.S. Department of Defense Remediation of Radioactive Material," NRC staff recommended that the Commission approve a MOU with the DoD regarding the DoD's remediation of confirmed radiological contamination at unlicensed sites under the CERCLA process. The MOU approach avoids dual regulation while ensuring protection of public health, safety, and the environment.

The Commission directed the NRC staff to pursue a MOU with the DoD and to issue a Regulatory Issue Summary (RIS) that clarifies NRC's jurisdiction of radium-226 in the military's possession (SRM-SECY-14-0082). On April 28, 2016, NRC staff finalized the MOU with the DoD (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16092A294). The RIS is available in ADAMS at ML15167A324.

**Discussion:** The MOU has two types of NRC involvement in the DoD's cleanup activities: the "stay informed" approach, which has been used at other sites; and a new "monitoring" approach. Consistent with SECY-14-0082 and, for sites where the U.S. Environmental Protection Agency (EPA) has regulatory authority (e.g., sites listed on the National Priority List (NPL)), the NRC staff will use a "stay informed" informed approach that relies on the CERCLA process and EPA regulatory oversight. The NRC has successfully used this approach for the past 8 years at the Navy's Alameda and Hunters Point sites and the Air Force's McClellan site in California. All three of these sites are scheduled for remedial actions with unrestricted or restricted release. The NRC staff stays informed about remedial actions at these sites through a combination of selected document reviews and annual site visits that involve meetings with the Air Force, Navy, EPA Region 9, and the State agencies involved with the remediation of these sites. The NRC staff maintains awareness of important radiological remediation issues as

well as completed and planned activities of each organization. This approach does not involve licensing, and the staff does not conduct licensing reviews. The NRC may provide comments to EPA on the remediation activities, if necessary, to justify continued reliance on the CERCLA process and EPA oversight.

The second approach in the MOU, monitoring, applies to sites where there is limited federal oversight conducted by EPA (e.g., sites not listed on the NPL). The NRC will prioritize these sites and conduct the appropriate type and amount of monitoring activities for each site based on its priority. Monitoring activities include document and data reviews, site observations (similar to inspections), and confirmatory radiological surveys. Monitoring will provide consistent federal oversight to confirm DoD's remediation of radioactive contamination using the CERCLA process and will ensure that the outcome protects public health and safety. To that end, under the monitoring approach the NRC will confirm that the 25 mrem/yr dose criterion is not exceeded. For those sites that will use restricted release, the NRC will continue its monitoring of the 5-Year Reviews required by CERCLA to ensure that the remediation remains protective.

It is important to note that the scope of the MOU primarily covers radioactive material in DoD possession where there is an overlap between CERCLA and AEA authorities, and not older material (e.g., gauges) that may have originated from the DoD but are no longer in DoD possession.

To support NRC planning, DoD has provided the NRC staff with the most recent updated inventory of sites covered by the MOU. The sites will be prioritized, and the MOU will be implemented through a phased approach, with a few sites in the first year; and full implementation occurring in the second year. A listing of the sites is enclosed with this letter. The enclosed list of sites provides the site name, City, and State. Following the initial effort of two sites for the first year, the NRC will contact individual Agreement States with sites to begin the coordination process in anticipation of future NRC activities under the MOU, particularly regarding jurisdiction of service provider oversight.

STC-16-072

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If you have any questions regarding the correspondence, please contact me at (301) 415-3340 or the individuals named below:

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Enclosure:  
As Stated

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NAME	RChang	SPoy	CHolston	PMichalak	MMeyer	TCampbell	AKock	DCollins
DATE	5/10/16	7/22/16	7/26/16	8/5/16	8/5/16	8/9/16	8/15/16	8/29/16

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### Sites Provided by the U.S. Department of Defense

<b>Military Branch</b>	<b>Installation Name</b>	<b>City</b>	<b>State</b>
U.S. Army	Dugway Proving Ground	Dugway	UT
U.S. Army	Sharpe Army Depot	Sharpe	CA
U.S. Army	Ft. Gillem Enclave	Atlanta	GA
U.S. Army	Picatinny Arsenal	Picatinny	NJ
U.S. Air Force	Hill Air Force Base (AFB)	Ogden	UT
U.S. Air Force	Elmendorf AFB	Anchorage	AK
U.S. Air Force	McClellan AFB	Sacramento	CA
U.S. Air Force	Davis-Monthan AFB	Tucson	AZ
U.S. Air Force	Nellis AFB	Las Vegas	NV
U.S. Air Force	Kelly (Lackland) AFB	San Antonio	TX
U.S. Air Force	Kirtland AFB	Albuquerque	NM
U.S. Air Force	Joint Base San Antonio-Lackland	San Antonio	TX
U.S. Navy	Vieques East		PR
U.S. Navy	Naval Support Facility Indian Head	Indian Head	MD
U.S. Navy	Pensacola FI Naval Air Station (NAS)	Pensacola	FL
U.S. Navy	Imperial Beach Naval Outlying Field	Imperial Beach	CA
U.S. Navy	Naval Base San Diego	San Diego	CA
U.S. Navy	Alameda NAS	Alameda	CA
U.S. Navy	Brunswick NAS	Brunswick	ME
U.S. Navy	El Toro Marine Corps Air Station	Irvine	CA
U.S. Navy	Hunters Point Naval Shipyard (NS)	San Francisco	CA
U.S. Navy	Long Beach NS	Long Beach	CA
U.S. Navy	Puget Sound NS	Seattle	WA
U.S. Navy	Treasure Island NS	San Francisco	CA
U.S. Navy	Mare Island NS	Vallejo	CA

Note: These sites are subject to change based on the activities at each site. Provision 14 of the Memorandum of Understanding addresses annual updates to the site inventory.