



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

April 10, 2020

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-20-025)

**Purpose:** To provide a status on the annual updates on the current inventory of the sites provided by the U.S. Department of Defense (DoD) and to provide information about the U.S. Nuclear Regulatory Commission's (NRC) memorandum of understanding (MOU) with the 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 NRC issued RIS 2016-06 on May 9, 2016 and 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 and a "monitoring" approach. Consistent with SECY-14-0082, 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 uses a "stay informed" approach that relies on the CERCLA process and EPA regulatory oversight. The NRC has successfully used this approach for the past 12 years at the Navy's Alameda Naval Air Station and Hunters Point Naval Shipyard, the Air Force's McClellan Air Force Base, as well as others. The NRC staff stays informed about remedial actions at all these sites through a combination of selected document reviews and periodic site visits that involve meetings with representatives of the DoD, EPA Regions, 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 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 (i.e., 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 DoD's remedy at sites meets the 25 millirem per year dose criterion in Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1402 for sites that will be released for unrestricted use or is consistent with the requirements in 10 CFR 20.1403(b) for sites that will be released for restricted use. In addition, for sites subject to Five Year Reviews required by CERCLA, NRC will review the status of the radiological remedy during the five-year review to ensure that the radiological remedy 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. A listing of the sites is enclosed with this letter. The enclosed list of sites provides the site name, city, state, and NRC's involvement. Depending on the level of activity at each site, the NRC may 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.

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

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Enclosure: As Stated

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 UNDERSTANDING WITH THE U.S. DEPARTMENT OF DEFENSE REGARDING  
 REMEDIATION OF UNLICENSED RADIOACTIVE MATERIAL (STC-20-025)  
 DATED: APRIL 10, 2020

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**ADAMS Accession No.: ML20028D469****\*via email**

OFFICE	DUWP	MSST	DUWP	MSST	OGC
NAME	CGrossman*	SPoy	SKoenick*	LCuadrado	Ilrvin*
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OFFICE	DUWP	MSST			
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DATE	03/18/20	4/10/20			

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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>	<b>NRC Involvement</b>
U.S. Army	Dugway Proving Ground	Dugway	UT	Monitoring
U.S. Army	Picatinny Arsenal	Picatinny	NJ	Stay Informed
U.S. Army	Sharpe Army Depot	Sharpe	CA	Stay Informed
U.S. Air Force	Elmendorf Air Force Base (AFB)	Anchorage	AK	Stay Informed
U.S. Air Force	Hill AFB	Ogden	UT	Monitoring
U.S. Air Force	Kelly (Lackland) AFB	San Antonio	TX	Monitoring
U.S. Air Force	McClellan AFB	Sacramento	CA	Stay Informed
U.S. Navy	Alameda Naval Air Station (NAS)	Alameda	CA	Stay Informed
U.S. Navy	Brunswick NAS	Brunswick	ME	Stay Informed
U.S. Navy	Marine Corp Base Camp LeJeune	Jacksonville	NC	Stay Informed
U.S. Navy	Hunters Point Naval Shipyard (NSY)	San Francisco	CA	Stay Informed
U.S. Navy	Long Beach Naval Station (NS)	Long Beach	CA	Monitoring
U.S. Navy	Mare Island NSY	Vallejo	CA	Monitoring
U.S. Navy	North Island NAS	Coronado	CA	Monitoring
U.S. Navy	NS San Diego	San Diego	CA	Monitoring
U.S. Navy	Treasure Island NS	San Francisco	CA	Monitoring
U.S. Navy	Naval Weapons Station Yorktown	Yorktown	VA	Stay Informed

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.