



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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AUG 01 2013

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

Mr. Larry W. Camper, Director
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Rockville, MD 20852

Dear Mr. Camper:

Over the past two years, Department of Defense (DoD) and Nuclear Regulatory Commission (NRC) staff met regarding NRC's draft Regulatory Issue Summary (RIS), *NRC Regulation of Military Operational Radium-226*, 76 Federal Register 40282 (July 8, 2011) and 76 Federal Register 57006 (Sept 15, 2011)). DoD expressed a number of concerns with the proposed RIS in correspondence and as a result discussions between NRC and DoD started in late 2011.

Our staffs have worked hard to understand each other's concerns, discussing NRC's involvement at DoD cleanup sites with a confirmed presence of radioactive material. We share the same goals for these sites: protect the public and workers' health and safety, efficiently use limited resources to remediate contamination, and minimize duplicative processes under radiological and environmental cleanup laws and regulations.

Based on these efforts, our staffs believe a Memorandum of Understanding (MOU) between the agencies would address the concerns regarding the draft RIS and establish a cooperative NRC and DoD process at appropriate DoD cleanup sites to avoid the following challenging topics:

- Permitting exclusion for removal or remedial actions conducted onsite under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).
- NRC's charging of fees.
- Project delays and increased site costs that would likely result from duplicative regulatory procedures and monitoring in an already heavily regulated cleanup program.
- Radium jurisdictional issues.

The MOU approach maximizes efficiencies by leveraging regulatory and DoD processes already in place, while incorporating NRC monitoring into the existing CERCLA program at sites where the Environmental Protection Agency is not already involved as a regulator. DoD supports moving forward with the MOU, based on the following key provisions:

- DoD will provide NRC an annual inventory of DoD cleanup sites with confirmed releases of Atomic Energy Act regulated radioactive materials and Radium. This inventory will include

summary of site-level information, projected cleanup schedules, and State and Federal regulatory agencies providing site monitoring and regulatory support.

- NRC will review the inventory, will confer with the DoD Components on project specific questions, and determine which DoD sites NRC will review in greater detail.
- The proposed MOU will establish a process for communication and coordination between DoD and NRC, including a dispute resolution process.

We appreciate the collaboration between NRC and DoD staff, and believe it has resulted in an acceptable path forward. My point of contact on this matter is Ms. Deborah Morefield, who can be reached at 703-571-9067.

Sincerely,

A handwritten signature in black ink, appearing to read "MSullivan", with a small circle above the "i".

Maureen Sullivan
Director, Environment, Safety and Occupational Health

cc:
DASA (ESOH)
DASN (E)
SAF-IEE
DES-E