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GAVIN NEWSOM
Governor

September 12, 2019

James Cho
CDR, CEC, U.S. Navy
Department Of The Navy
Naval Facilities Engineering Command Southwest
1220 Pacific Highway
San Diego, CA 92132-5190

SUBJECT: SAN ONOFRE Nuclear Generating Station AND MESA FACILITY
RADIOLOGICAL OVERSIGHT

Dear Cdr Cho:

Thank you for your letter requesting clarification from the California Department of Public Health (CDPH) as to its position with respect to certain regulatory jurisdictional matters at the San Onofre Nuclear Generating Station (SONGS) and the MESA facility. Specifically, you requested written correspondence from CDPH:

1. Acknowledging that the Federal Facility Agreement (FFA) for Marine Corps Base Camp Pendleton (MCB-CPEN) will not in the future include SONGS-related current or historical radiological activities on MCB-CPEN;
2. Confirming that CDPH will defer to the Nuclear Regulatory Commission (NRC) on SONGS-related current or historical radiological activities and accept the NRC's unrestricted release criteria as applied at SONGS and the Mesa facility; and
3. Absolving the Department of Navy (DoN) from future CDPH requirements for SONGS-related current or historical radiological activities on MCB-CPEN.

Regarding the MCB-CPEN FFA, CDPH is not a party to the applicable agreement and declines to comment as to whether SONGS-related current or historical radiological activities would be included in the FFA.

Regarding cleanup oversight of current or historical radiological activities (#2 above) and the applicability of CDPH release criteria at SONGS (#3 above), CDPH maintains that it is the NRC that is vested under the Atomic Energy Act (AEA) with exclusive regulatory authority over the licensing, operation, and decommissioning of the SONGS site, including but not limited to all radiological aspects of the SONGS decommissioning



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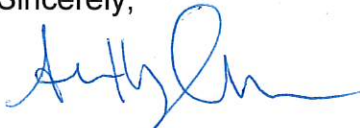
process and the remediation of any offsite contamination resulting from the use or possession of NRC-licensed material. CDPH's Agreement State program has no delegated authority to regulate or oversee any aspect of Nuclear Power Plant licensing, operation, or decommissioning oversight as these matters are specifically reserved to the NRC under the AEA. As such, decommissioning standards for nuclear power plants are applicable.

Since the NRC's license termination rule specifically applies to nuclear power plant (NPP) decommissionings, CDPH concurs that a future NRC "unrestricted use" determination would allow the Navy to reuse, lease, or transfer the subject SONGS property out of Federal ownership without the need for further evaluation for compliance with decommissioning requirements that may be applicable to non-NPP licensees.

In summary, CDPH's position is that all future regulatory oversight of NRC-licensed materials at the SONGS/MESA site would necessarily be exercised by the NRC.

Should you have any questions feel free to call Gonzalo Perez, Chief, Radiological Health Branch at 916-440-7942 or email correspondence to Gonzalo.perez@cdph.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony Chu', with a stylized flourish at the end.

Anthony Chu, Chief
Division of Radiation Safety and
Environmental Management
California Department of Public Health

cc: Mr. Derral Van Winkle
Mr. Bryce Bartelma
DTSC
USEPA
SCE
CDPH-RHB
CDPH-OLS