



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901**

May 7, 2009

Charles L. Miller, Director  
Office of Federal and State Materials  
and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: U.S. NRC Involvement at Hunters Point Naval Shipyard in California

Dear Mr. Miller

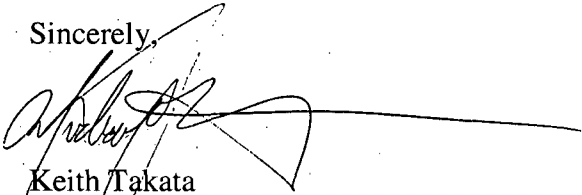
This letter is in response to the January 16, 2009 letter from the U.S. Nuclear Regulatory Commission (NRC) to the Regional Administrator of U.S. Environmental Protection Agency (EPA) Region 9 regarding NRC's role in the ongoing Navy remediation of the Hunters Point Shipyard (HPS) site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). As noted in your letter, HPS is listed on EPA's National Priorities List (NPL) and therefore the cleanup is being conducted pursuant to a Federal Facilities Agreement which provides for EPA oversight, including joint remedy selection authority.

The HPS is expected to pass from military ownership to local ownership pursuant to the federal Base Realignment and Closure real property disposal process. Thus, any residual radium-226 remaining on the property would no longer be under military control and, therefore, would become subject to NRC's authority. EPA fully supports NRC's proposal that it play a limited regulatory role in light of the fact that the work is being conducted by the Navy under CERCLA with EPA oversight. We appreciate NRC's willingness to rely on the CERCLA process, and share the view that this process will result in protection of public health and the environment that is generally equivalent to what would be provided if the NRC's decommissioning process was used.

EPA will work with your staff to keep NRC informed about the remediation. NRC would primarily stay informed about the HPS remediation by: 1) reading selected decision-making documents and results of work distributed by the Navy and available in the Administrative Record and 2) conducting an annual site visit and meetings with EPA, Navy, and stakeholders. In addition, NRC would retain the ability to access the site and remediation documents, upon request. NRC would also reserve the option of commenting to EPA if necessary to support the continued reliance on the CERCLA process. We agree that this is a balanced approach that allows remediation to proceed under CERCLA, avoids dual NRC-EPA regulation, and allows NRC to be in a position to respond to stakeholder questions in a timely and effective manner.

I appreciate the efforts of your staff in developing this approach. We look forward to exploring similar approaches for other NPL BRAC sites in Region 9, particularly McClellan AFB. If you have any questions regarding EPA's position, please call me at (415) 947-8709 or Michael Montgomery, Assistant Superfund Director, at (415) 972- 3438.

Sincerely,



Keith Takata  
Director, Superfund Division

cc: Laura Duchnak, Navy BRAC PMO  
Laurie Lowman, NAVY RASO  
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Michael Cohen, City of San Francisco