

June 30, 2009

MEMORANDUM TO: Chairman Jaczko
Commissioner Lyons
Commissioner Klein
Commissioner Svinicki

FROM: R. W. Borchardt */RA Martin Virgilio for/*
Executive Director for Operations

SUBJECT: SECY-08-0077 – OPTIONS FOR U.S. NUCLEAR REGULATORY
COMMISSION INVOLVEMENT WITH THE NAVY’S REMEDIATION
OF THE HUNTERS POINT NAVAL SHIPYARD SITE IN
CALIFORNIA

This memorandum responds to Staff Requirements Memorandum (SRM), dated June 26, 2008, regarding SECY-08-0077, "Options for U.S. Nuclear Regulatory Commission Involvement with the Navy's Remediation of the Hunters Point Naval Shipyard Site in California." In the SRM, the Commission directed the staff to work with the California Department of Public Health (DPH) in accordance with Section C of the Handbook, Management Directive 5.7 (MD 5.7), "Technical Assistance to Agreement States," to determine if special technical expertise assistance could be provided. The Commission provided additional guidance regarding DPH's need to document more fully how it meets the criteria for requesting technical assistance, and provided specific criteria that should be addressed in any such request. The SRM also stated that "As part of the evaluation for providing technical assistance to Agreement States, the staff would explicitly consider the appropriateness of the U. S. Nuclear Regulatory Commission (NRC) providing technical assistance to a CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act] remediation project."

To accomplish this action, the staff held a conference call with DPH on July 15, 2008, where the staff explained the process under MD 5.7 for DPH to submit a technical assistance request. The DPH management stated that they understood the process described, but did not indicate if or when they might submit a request following the process in MD 5.7. On June 5, 2009, the staff asked if California was considering a technical assistance request of NRC. California's response was that, at this point, there is no request for technical assistance to NRC being developed and the issues that warrant such requests are not pressing at this time. Therefore, the staff recommends that this action be closed. If California develops a request at a later date, the staff will determine, based on the specifics of the request, the appropriateness of the NRC providing technical assistance to DPH on a CERCLA remediation project.

cc: SECY
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301-415-2819

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