

November 17, 2011

MEMORANDUM TO: Lydia Chang, Branch Chief
Special Projects Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Robert L. Johnson, Senior Project Manager **/RA/**
Special Projects Branch
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Office of Federal and State Materials
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SUBJECT: SUMMARY OF THE NOVEMBER 1, 2011, MEETING WITH THE
U.S. DEPARTMENT OF DEFENSE ON THE DRAFT
REGULATORY ISSUE SUMMARY REGARDING NRC
JURISDICTION OF MILITARY OPERATIONAL RADIUM

On November 1, 2011, the U.S. Nuclear Regulatory Commission (NRC) conducted a meeting with the U.S. Department of Defense on NRC's draft Regulatory Issue Summary (RIS) regarding NRC jurisdiction of military operational radium. This meeting was open to the public. A meeting summary is given in Enclosure 1, a list of attendees in Enclosure 2, and the meeting agenda is given in Enclosure 3.

Enclosures:

1. Meeting Summary
2. Meeting Attendee List
3. Agenda

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NAME	RJohnson	TRowe	RJohnson
DATE	11/ /11	11/17 /11	11/17/11

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**Summary of November 1, 2011, Meeting with the U.S. Department of Defense
to Discuss NRC's Draft Regulatory Issue Summary Regarding
NRC Regulation of Military Operational Radium-226**

On November 1, 2011, the U.S. Nuclear Regulatory Commission (NRC) conducted a meeting with the U.S. Department of Defense (DoD) to discuss NRC's draft Regulatory Issue Summary (RIS) regarding NRC regulation of military operational radium-226. Meeting attendees from NRC included staff from the Office of Federal and State Materials and Environmental Management Programs, Office of the General Counsel, and Region I. Staff from Region IV attended via teleconference. DoD attendees included staff from the Office of the Secretary of Defense, the Air Force Secretariat, Army Secretariat, and the Navy secretariat. These staff is from the radiological programs, cleanup programs, and general counsel. Other DoD staff attended via teleconference. Enclosure 2 gives a list of attendees. The meeting was electronically recorded and transcribed.

Purpose

DoD requested this meeting in its August 29, 2011, letter that also requested a 75-day extension of the public comment period for the draft RIS. DoD provided the agenda topics that they wanted to discuss with NRC to assist them in preparing written comments on the draft RIS. The discussions also helped NRC understand DoD comments and the basis for the comments. Enclosure 3 gives the agenda.

Discussion

Opening remarks by NRC noted that the draft RIS is an outgrowth of an extensive effort with the radiation safety organizations of the Army, Air Force, and Navy along with other stakeholders over a period of approximately four years. This coordination effort included meetings, site visits, obtaining site information, and receiving comments on an outline of the Commission paper that was the basis for the RIS. Opening remarks by DoD acknowledged NRC's coordination with the individual services but noted that other legal and policy components of DoD had concerns with NRC's draft RIS that would be discussed in the meeting. Subsequently, comments would be formalize and provided to NRC before November 29, 2011.

The discussions addressed DoD concerns regarding jurisdiction issues, radium-226 cleanups, concerns related to requirements for an NRC license, storage and decontamination of radium-226, and implementation issues. For some of the topics NRC clarified the language and intent of the draft RIS.

Opportunity for public comment

This meeting was open to the public as a Category I meeting. Accordingly, members of the public were invited to observe this meeting and were given an opportunity to comment at the end of the meeting. Only one member of the public provided comments during the meeting, and these comments addressed the offsite disposal of radium-226 in California.

NRC Public Meeting: RIS Military Operational Radium226
November 1, 2011
Two White Flint North
11555 Rockville Pike

Name	Component/Office	Position	Phone number
Deborah Morefield	Office Secretary of Defense	Cleanup Program Manager	703-571-9067
John Seibert	Office Secretary of Defense	Safety/Occupational Health Program Manager	703-604-1612
Karen Colmie	Office Secretary of Defense	General Counsel	703-692-9107
Sharon Dubrow	Booz Allan Hamilton (contractor)	Technical support to DoD	703-412-7668
David Carrillo	Air Force Secretariat	Cleanup Program Manager	240-612-4259
Lt Col David Smith	Air Force Secretariat	Radiological Program SME	
Larry Groner	Air Force Secretariat	General Counsel	202-744-8379
Richard Mach	Navy Secretariat	BRAC/Cleanup Program Manager	703-614-5463
Dr. Lino Fragoso	Navy Secretariat/Chief Naval Operations	Radiological Program SME	703-695-5272
CAPT Donna Davis-Urgo	Navy Secretariat/Chief Naval Operations	Radiological Program SME	703-695-5259
LCDR Gregg Parker	Navy Secretariat/Chief of Naval Operations	Staff Judge Advocate	703-695-5084
Brian Frye	Army Secretariat	Cleanup Program Manager	571-256-9733
Greg Komp	Army Secretariat	Radiological Program SME	703-697-1194
Ann Wright	Army Secretariat	General Counsel	703-697-5127
Jon Weiner	Downey Brand Attorneys	Attorney	415-848-4810
Keith McConnell	NRC, DWMEP	Deputy Director	301-415-7295
Lydia Chang	NRC, DWMEP	Branch Chief	301-415-8141
Robert Johnson	NRC, DWMEP	Senior Project Manager	301-415-7282
Tracey Stokes	NRC, OGC	Attorney	301-415-1064
James Biggins	NRC, OGC	Dep. Asst. Gen. Counsel	301-415-6305
Orysia Masnyk Bailey	NRC, Region I	Health Physicist, Navy MML Project Manager	864-427-1032
Shirley Xu	NRC, DMSSA	Project Manager, HQ MML	301-415-7640
Laura Pearson	NRC, DMSSA	Branch Chief	301-415-8131
T R Rowe	NRC, DWMEP	Licensing Assistant	301-415-8008

**NRC Public Meeting: RIS Military Operational Radium226
November 1, 2011
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AGENDA

Meeting between the U.S. Nuclear Regulatory Commission and the
Department of Defense (DoD) regarding NRC's draft Regulatory Issue Summary on NRC
Regulation of Military Operational Radium.

November 1, 2011, 1 p.m.—5 p.m., EST

Purpose: For NRC and DoD to exchange views on the following DoD agenda topics related to the draft Regulatory Issue Summary (RIS) regarding NRC Regulation of Military Operational Radium (76 FR 40282, July 8, 2011). Discussions are intended to help DoD prepare its comments on the draft RIS.

Introduction and meeting/teleconference logistics	1:00
NRC opening remarks	
DoD opening remarks	
Discussion	1:15
• Jurisdictional issues ○ Statutory interpretation of EPCRA's radium-226 amendment ○ Application of the RIS to operational military ranges ○ Potential retroactive application ○ Alternatives to a RIS • Radium-226 cleanups ○ Dual jurisdiction; NPL versus non-NPL ○ Incorporation of NRC cleanup standards into existing cleanup process	
Break	2:45
Discussion resumes	3:00
• Concerns related to requirements for an NRC license ○ CERCLA permit exclusion ○ Costs/affects to transfers ○ Implementation issues • Storage and decontamination of radium-226 • Additional implementation issues	
Opportunity for public comment	4:15
Closing remarks	4:50