



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
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5090
Ser EV1.BB/076
May 20, 2019

Mr. Anthony Chu
California Department of Public Health
1500 Capitol Avenue, 5th Floor, MS 7610
Sacramento, CA 95814-5006

SUBJECT: SAN ONOFRE NUCLEAR GENERATING STATION (SONGS) AND MESA FACILITY RADIOLOGICAL DOCUMENTATION FOR UNRESTRICTED RELEASE

Dear Mr. Chu:

The Department of the Navy (DoN) had previously requested that California Department of Public Health (CDPH) provide a Radiological Unrestricted Release Recommendation (RURR) letter (or equivalent) for the San Onofre Nuclear Generating Station (SONGS) Mesa Facility to the Department of Toxic Substances Control (DTSC) under its Voluntary Cleanup Agreement with Southern California Edison (SCE). This request was previously expressed during a February 1, 2018 conference call with CDPH and via a letter to Mr. Gonzalo Perez of CDPH on May 3, 2018. Additionally, the DoN, SCE and DTSC met with CDPH in Sacramento on August 2, 2018 to further discuss this request. At the conclusion of the meeting, CDPH requested time to discuss internally and would respond in late 2018.

In January 2019, it is the DoN's understanding that CDPH met with DTSC to discuss the State's position regarding radiological jurisdiction for the SONGS Mesa Facility. Specifically, the State does not feel they have regulatory jurisdiction over the Mesa site or the SONGS plant easement. Since SONGS sits on federal property owned by the DoN, and because SONGS was licensed by the Nuclear Regulatory Commission (NRC), the material brought to or stored at the Mesa site was also licensed by the NRC. Accordingly, any resulting contamination would be subject to NRC regulatory authority and not the CDPH's State program authority. This understanding was confirmed with CDPH during a teleconference call with SCE and DoN on May 13, 2019.

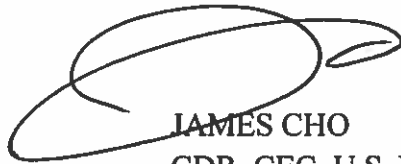
The DoN is of the opinion that the existing documentation provided by SCE may not support land transfer and SCE lease termination requirements, as none of the documentation specifically provides the equivalent of an Unrestricted Use/Unrestricted Exposure (UU/UE). No Further Action letter (i.e., RURR letter for radiological concerns) and does not clearly demonstrate regulatory oversight for all radiological events documented in SCE's *Mesa Radiological Assessment*. Therefore, the DoN will request that SCE engage further with NRC to obtain the required documentation for the Mesa Facility.

To ensure that all parties have a clear understanding of CDPH's present and future role with regard to SONGS, the DoN requests written correspondence from CDPH that clearly documents the following:

1. CDPH acknowledgment that the Federal Facility Agreement (FFA) at Marine Corps Base Camp Pendleton (MCB-CPEN) does not and will not in the future include SONGS-related current or historical radiological activities on MCB-CPEN;
2. CDPH's confirmation that it will defer to NRC on SONGS-related current or historical radiological activities and that CDPH accepts, in perpetuity, NRC's federal release criteria for RURR at SONGS and the Mesa Facility. Alternatively, CDPH can provide a numerical radiological release criterion in terms of dose and guidance (such as acceptance of NUREG-1575, Multi-Agency Radiation Survey and Site Investigation Manual [MARSSIM] in designing and implementing radiological survey plans to demonstrate the release criterion has been met) in order to achieve the State's definition of RURR;
3. CDPH's commitment to clearly and permanently absolve the DoN from any future CDPH requirements for SONGS-related current or historical radiological activities on MCB-CPEN. NRC's regulatory unrestricted release determination will provide the DoN radiological UU/UE for the property, i.e., the DoN will be free to reuse, lease, or transfer the property out of Federal ownership without further radiological evaluation.

Although discussions to date have been focused on radiological concerns for the Mesa Facility, the DoN respectfully requests that CDPH's written correspondence be applicable to both the Mesa Facility and the SONGS Plant Easement, assuming CDPH's position on its jurisdiction remains consistent for both areas. Please let us know if you need more information or if you have any questions. My point of contact on this matter is Bryce Bartelma at 619-532-4953 or bryce.bartelma@navy.mil.

Sincerely,



JAMES CHO
CDR, CEC, U.S. Navy
By the direction of the
Commanding Officer

Copy to:

DTSC

RWQCB

MCIWEST-MCB CAMPEN (G-F)

CMC Safety Division

NAVSEA (RASO)

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