

State of California

Department of Health Services

Memorandum

M60050.003144
MCAS EL TORO
SSIC NO. 5090.3

Date: June 3, 2004

To: Mr. Tayseer Mahmoud
Department of Toxic Substances Control (DTSC)
Office of Military Facilities
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Cyprus, California 90630From: Environmental Management Branch
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Subject: Request for Applicable or Relevant and Appropriate Requirements (ARARs) for Sites 8 and 12, of the former Marine Corps Station, El Toro, California

This is in response to your request, dated May 20, 2004, for Applicable or Relevant and Appropriate Requirements (ARARs) for the former Marine Corps Station, El Toro.

As an Agreement State with the Nuclear Regulatory Commission (NRC), California licenses and monitors compliance of byproduct materials use as defined by the Atomic Energy Act of 1954. In addition, the Department of Health Services (DHS) controls the uses of naturally occurring radioactive materials (e.g. radium-226). DHS regulatory authority does not include the licensing and compliance monitoring of facilities under exclusive federal jurisdiction. This is the NRC's responsibility. DHS becomes involved when a federal facility (e.g. a military base) is going to close and revert to State control. We are currently providing radiological consultation for closing military bases in California in preparation for the bases being transferred into State, local or private ownership.

Listed below are the regulations, statutes and guidance that pertain to radioactive materials found on military bases in California.

1. Title 10, Code of Federal Regulations (CFR), Sections 20.1001-2402 and Appendices A through F, as incorporated by reference to Title 17, California Code of Regulations (CCR), Section 30253. A significant change in the regulations, as adopted by California, is that the federal term "licensee" is replaced by "user" as defined in Title 17, CCR, Section 30100.
2. Title 10, Code of Federal Regulations (CFR), Sections 20.1402 and 20.1404, Radiological Criteria for License Termination; Final Rule.
3. Relevant guidance documents published by the Nuclear Regulatory Commission (NRC) (e.g. NUREG/CR - 5849).

Tayseer Mahmoud

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If you have questions about DHS' ARARs or their applications to this base, please contact me at (916) 449-5664.

*Deirdre Dement
for*

Darice Bailey, Chief
Waste Management Section

cc: Mr. F. Andrew Piszkin
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