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Author/Originator
Leon Baxter

Company
USACE

Date
10/17/2001

Recipient (s)
Sharon Cotner

Company (-ies)
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Attention: **Sharon Cotner**

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Company: CoE - St Louis

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From: **Leon Baxter**

Company: ACO Staff

Fax Number: 753-7606

Voice Number: 753-7101

Subject: Ltr from State

Comments:

Here's a leeter we received from the Assistant Attorney General regarding IDPH's involvement on the IAAAP

Date

ROUTING AND TRANSMITTAL SLIP

15 Oct 2001

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
Kevin Tiemeier, Hard copy and Faxed		
1. Kelly Crooks, Hard copy		
2. Sharon Cotner, Hard copy and fax Kevin Howe,		
3. Derek Romitti -AEC, Hard Copy		
4. Hard copies, Rodger Allison, Robert Haines, Larry Johnson,		
5. DOE, George Rael		

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Rock Island, IL 61299-6000*

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REMARKS

Here's correspondence we recently received from Iowa's Assistant Attorney General

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
HOOPER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515/281-5164
FACSIMILE: 515/281-4208

October 11, 2001

Anthony B. Sconyers
Director, Law Center
Department of the Army
Headquarters, U. S. Army Operations Support Command
1 Rock Island Arsenal
Rock Island, IL 61299 - 6000

Dear Mr. Sconyers:

This letter is in response to your correspondence to Attorney General Tom Miller regarding the Iowa Army Ammunition Plant (IAAP). I represent the Iowa Department of Public Health and have been asked to address the concerns you raise. You specifically question whether the Department has any legal authority relative to the environmental remediation currently underway at IAAP.

It is my opinion that the Department has broad authority relative to the environmental remediation at IAAP as it relates to the presence or potential presence of radioactive materials. The Department is invested with this legal authority by both state and federal law, and I will attempt to outline the relevant cites for you below.

As you know, section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. section 2021) authorizes the Nuclear Regulatory Commission (NRC) to enter into agreements for the "discontinuance" of certain types of NRC regulatory authority with states willing and able to assume the regulatory authority. In 1985, Governor Branstad entered into such an agreement with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass. NRC initially took the position that this agreement did not apply to federal facilities where the United States has exclusive federal jurisdiction, and hence did not apply to IAAP. As you know, Executive Order 13, which retroceded exclusive federal legislative jurisdiction of this site, was issued in December of 1999. Since that time, NRC has maintained that the State of Iowa, not the NRC, is authorized to regulate the possession and use of certain nuclear materials at IAAP and specifically to regulate license activities at this site. (See attached letter dated March 16, 2000).

The Department has issued two materials licenses relevant to this discussion: license number 0290-1-29-SM1 for the possession and use of depleted uranium and license number 0291-1-29-FG for the possession and use of cesium-137. Both licenses list American Ordnance, LLC, as the licensee, both list the Iowa Army Ammunition Plant as the location of use, and both include possession limits for the materials. In addition, both licenses detail the specific authorized use and include a number of terms and conditions on that use. (See attached Materials Licenses)..

Iowa Code chapter 136C and 641 Iowa Administrative Code chapters 38 - 41 invest the Department with broad authority regarding its regulatory functions relative to these licenses. The Department's authority clearly extends to regulation of the radioactive materials listed in the two licenses, including regulating the conditions on possession and use relative to those two licenses. This legal authority includes the ability to inspect the sources of radiation and the premises and facilities wherein such sources of radiation are kept or used. 641 IAC 38.4(2).

In addition, the regulatory authority contained in the relevant statute and administrative rules impact the remediation of this site in that the presence or potential presence of radioactive materials other than those possessed pursuant to the licenses may affect IAAP's ability to show compliance with licensure regulations and with the terms and conditions of the license. For example, as a licensee, IAAP is subject to the provisions of 641 IAC chapter 40. 641 IAC 40.26 contains the radiation dose limits for individual members of the public with which a licensee must comply. 641 IAC 40.27 contains the standards by which a licensee must show compliance with the annual dose limits outlined in 40.26. Specifically, IAAP must conduct operations so as to satisfy the dose limits in unrestricted areas, 641 IAC 40.26(1)"b", and has an obligation under the regulations to conduct surveys of radiation levels in unrestricted areas to demonstrate compliance with these regulations. 641 IAC 40.27(1). Significantly, licensees also have a further duty under 641 IAC 40.36 to conduct surveys which are necessary to determine compliance with the chapter or to evaluate the magnitude and extent of radiation levels, the concentrations or quantities of radioactive material, and the potential radiological hazards which may be present. In addition, the Department is authorized to instruct a licensee to perform such tests as the agency deems appropriate and necessary to determine sources of radiation. 641 IAC 38.4(3). In sum, the presence of other radioactive materials at this site may impact the licensee's compliance with Department regulations and may prompt the Department to order appropriate surveys or testing to determine whether compliance is in fact being attained.

In addition, materials license number 0290-1-29-SM1 contains possession limits for depleted uranium. The presence of other sources or forms of depleted uranium at this site could again impact IAAP's compliance with the terms and conditions of the license and provide cause for pursuing additional regulatory action. Finally, the NRC has indicated that the provisions of 641 IAC 40.28 - 31 may be implicated and applicable in this type of situation. (See NRC letter of January 13, 1999). As you know,

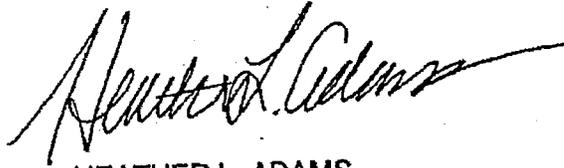
if IAAP would fail to comply with any of the above provisions or any other relevant provision of law, the Department would be authorized to take action to modify, suspend, or revoke the above listed licenses.

In addition, Iowa Code chapter 136C endows the Department with broad authority to more generally regulate radioactive materials present in Iowa. The Department is statutorily designated as the state radiation control agency responsible for radioactive materials in this state. Iowa Code section 136C.3. The Department is mandated to "advise, consult and cooperate" with state and federal agencies concerning radioactive materials and to conduct investigations relative to sources of radiation. Iowa Code sections 136C.3(6) & (7). The Department's duty extends to inspecting radioactive materials for the purpose of "detecting, abating, or eliminating excessive radiation exposure hazards." Iowa Code section 136C.8. These provisions are also relevant in reviewing the Department's authority and input with respect to the remediation of radioactive materials at this site.

Finally, certain provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are relevant to the Army's obligation to ensure state participation regarding remediation activities at this site. Specifically, 42 USCA Section 9620 is applicable to federal facilities and requires federal agencies to afford relevant state officials the opportunity to participate in the "planning and selection of the remedial action, including but not limited to the review of all applicable data. . . and the development of studies, reports, and action plans." 42 USCA Section 9620(f). CERCLA provides more specifically for state involvement at 42 USCA Section 9621(f) and therein authorizes state agency participation and input regarding relevant planning, assessment, and remediation. It is the Department's understanding that the United States Environmental Protection Agency supports the involvement of the Department with respect to the assessment and remediation of radiological materials that have been released to the environment at the IAAP. (See attached letter of October 18, 2000). Further, the EPA has indicated that it will seek the Department's input in the identification of potential Applicable or Relevant and Appropriate Requirements (ARAR's) associated with potential CERCLA response actions to address radiological contamination. See also 10 USCA 2705.

In sum, it is my opinion that the Iowa Department of Public Health has broad authority and corresponding oversight regarding assessments, inspections, planning, and remediation of radioactive material contamination at IAAP. Please note that this is not a formal Attorney General's Opinion. Should you have any questions regarding this analysis, please do not hesitate to contact me at (515) 281 - 3441. Best regards.

Sincerely,



HEATHER L. ADAMS
Assistant Attorney General

enc

cc: Brian Gentry, Legal Counsel to the Governor
David Fries, IDPH
Don Flater, IDPH
Susan Dixon, IDNR
LTC Dennis-Lowman, IAAP
Scott Marquess, EPA



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

March 16, 2000



Nicholas M. Kieler
Radiation Safety Officer
American Ordnance, LLC
17575 State Highway 79
Middletown, IA 52638-9701

Dear Mr. Kieler:

As you discussed with James Lynch of my staff on February 8, 2000, Iowa Governor Vilsack has accepted the offer from the U.S. Department of the Army to retrocede exclusive legislative jurisdiction over the Iowa Army Ammunition Plant in Des Moines County, Iowa. This acceptance was effected by an Executive Order issued on December 9, 1999.

As a result of the Governor's action, the State, not NRC, has authority to regulate the possession and use of certain byproduct, source, and special nuclear materials at the Iowa Army Ammunition Plant by persons other than the federal government. In particular, two licenses (SUC-1381 and 14-20498-01) issued to American Ordnance, LLC, now fall under the State's regulatory authority.

Effective immediately, the Iowa Department of Public Health (IDPH) will now have the responsibility to regulate those license activities covered under your existing licenses. We have transferred your two license files to IDPH. Communications with the State should be made to the following contact:

Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health
Lucas State Office Building
Des Moines, IA 50319
Telephone: (515) 281-3478

If you have any questions regarding this letter, please contact James Lynch, Region III's State Agreements Officer, at (630) 829-9681.

On behalf of myself and members of my staff who have worked closely with you over the years, I want to take this opportunity to express our appreciation for your continual cooperation in achieving the goal of protecting the health and safety of the general public through safe radiation practices.

Sincerely,

Cynthia D. Pederson
Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

See Attached Distribution

N. Kieler

-2-

Distribution:

D. Flater, IDPH
E. Bolling, OSP

Commander
Iowa Army Ammunition Plant
ATTN: SIOIA-CS
17571 State Highway 79
Middletown, IA 52638-5000

HQ US Army Industrial Operations Command
ATTN: AMSIO-SF
Rock Island, IL 61299-6000



IOWA DEPARTMENT OF PUBLIC HEALTH

MATERIALS LICENSE

Pursuant to Chapter 136C of the Iowa Code and 641-38 through 42 (136C) of the Iowa Administrative Code and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer radioactive materials designated below, to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the rules of the applicable chapter(s). This license is subject to all applicable rules and orders of the Iowa Department of Public Health including the Iowa Rules for Radiation Machines and Radioactive Materials (641-38 through 42) now or hereafter in effect, and to any conditions specified below.

<p>Licensee</p> <ol style="list-style-type: none"> American Ordnance, LLC Iowa Army Ammunition Plant 17575 State Highway 79 Middletown, Iowa 52638 	<p>In accordance with the letter from the US Nuclear Regulatory Commission dated March 16, 2000, License No. 0290-1-29-SM1 is issued to read as follows:</p> <ol style="list-style-type: none"> License Number: 0290-1-29-SM1 Expiration Date: October 31, 2004 <i>RUM</i>
---	--

5. Byproduct, Source, Special Nuclear and/or Natural Occurring or Accelerator Produced Radioactive Material	6. Chemical and/or Physical Form	7. Maximum Amount that Licensee May Possess at any One Time Under This License
A. Depleted Uranium	A. Metal alloy penetrators	A. 3,000,000 kilograms
B. Depleted Uranium	B. Metal alloy and/or Cadmium plated shielding	B. 1,000 kilograms
C. Depleted Uranium	C. Metal alloy liners	C. 1,000 kilograms
D. Depleted Uranium	D. Solid waste	D. See Item 8.D. below

8. Authorized Use

- A. through C. To be used for the assembly and demilitarization of staballoy penetrators in munitions assemblies and for research and development as described in the application to the US Nuclear Regulatory Commission dated October 6, 1993.
- D. Possession incident to disposal of waste in accordance with statements, representations, and procedures contained in letters to the US Nuclear Regulatory Commission dated June 9, 1994, March 31, 1998, July 7, 1998, and August 27, 1998.



Iowa Department of Public Health

Page 2 of 2 Pages

MATERIALS LICENSE

Supplementary Sheet

License No. 0290-1-27-SM1

CONDITIONS

- 9. Licensed material shall be used only at the licensee's facilities located at the Iowa Army Ammunition Plant, 17575 State Highway 79, Middletown, Iowa.
- 10. Licensed material shall be used by, or under the supervision of, Joe E. Shannan, Carl W. Beard, Nicholas M. Kieler, or Milton G. Hicks.
- 11. The Radiation Safety Officer for this license is Nicholas M. Kieler.
- 12. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The Iowa Department of Public Health rules shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the rules.

A. Letter from the US Nuclear Regulatory Commission dated March 16, 2000.

For the Iowa Department of Public Health

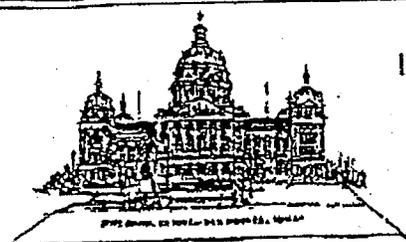
Date 04/13/00

By *George F. Johns, Jr.*
George F. Johns, Jr.
Radioactive Materials Program

Date 4/13/00

Concurrence *Donald A. Flater*
Donald A. Flater, Chief
Bureau of Radiological Health

GJF/DAF/rum



IOWA DEPARTMENT OF PUBLIC HEALTH

MATERIALS LICENSE

Pursuant to Chapter 136C of the Iowa Code and 841-38 through 42 (136C) of the Iowa Administrative Code and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer radioactive materials designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the rules of the applicable chapter(s). This license is subject to all applicable rules and orders of the Iowa Department of Public Health including the Iowa Rules for Radiation Machines and Radioactive Materials [841-38 through 42] now or hereafter in effect, and to any conditions specified below.

Licensee

- 1. American Ordnance, LLC
- 2. Iowa Army Ammunition Plant
17575 State Highway 79
Middletown, Iowa 52638

In accordance with the US Nuclear Regulatory Commission letter dated March 16, 2000, License No. 0291-1-29-FG is issued to read as follows:

- 3. License Number: 0291-1-29-FG
- 4. Expiration Date: April 30, 2004

5. Byproduct, Source Special Nuclear and/or Natural Occurring or Accelerator Produced Radioactive Material

6. Chemical and/or Physical Form

7. Maximum Amount that Licensee May Possess At Any One Time Under This License

A. Cesium-137

A. Sealed Source(s) (Texas Nuclear model number 696894)

A. No single source to exceed 20 millicuries

B. Cesium-137

B. Sealed Source(s) (Texas Nuclear model number 57157C)

B. No single source to exceed 500 millicuries

C. Cesium-137

C. Sealed Source(s) (Technical Operations model number 77302)

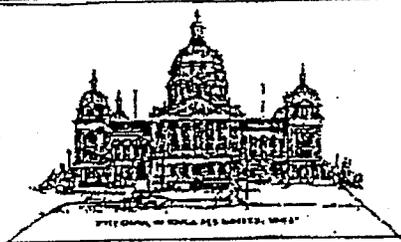
C. One source not to exceed 150 millicuries

8. AUTHORIZED USE

- A. To be used in Texas Nuclear Model 5200 source holder for level measurement.
- B. To be used in Texas Nuclear Model 5202 source holder for level measurement.
- C. To be used in Technical Operations Model 773 calibrator for calibration of licensee's survey instruments.

CONDITIONS

- 9. Licensed material shall be used only at the licensee's facilities located at the Iowa Army Ammunition Plant, 117575 State Highway 79, Middletown, Iowa.



Illinois Department of Public Health

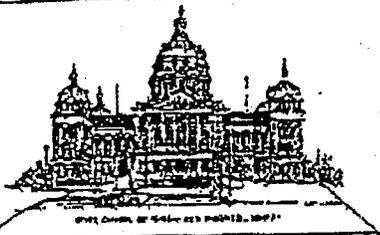
Page 2 of 3 Pages

MATERIALS LICENSE

Supplementary Sheet

License No. 0291-1-29-FG

10. Licensed material shall be used by, or under the supervision of Delmer G. Huffman, Harry W. Tate, Joe E. Shaman, Carl W. Beard, Jr., Nicholas M. Kieler, or Milton G. Hicks.
11. The Radiation Safety Officer for this license is Nicholas M. Kieler.
12. Installation, initial radiation surveys, relocation, removal from service, dismantling, alignment, replacement, disposal of the source and non-routine maintenance or repair of components related to the radiological safety of the gauge (i.e., the sealed source, source holder, source drive mechanism, on-off mechanism, shutter control) shall be performed by persons specifically licensed by the US Nuclear Regulatory Commission or an Agreement State to perform such services.
13. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Nuclear Regulatory Commission or an Agreement State.
14. The licensee shall operate each gauge within the manufacturer's specified temperature and/or environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
15. The licensee shall assure that the shutter mechanism is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify as appropriate its "lock-out" procedures whenever a new gauge is obtained to incorporate the device manufacturer's recommendations.
16. Each gauge shall be tested for the proper operation of the on-off mechanism and indicator, if any, at intervals not to exceed six (6) months or at such longer intervals as specified by the manufacturer, the US Nuclear Regulatory Commission, or an Agreement State.
17. The licensee shall conduct a physical inventory of all sealed sources received and possessed under the license at intervals not to exceed six (6) months and retain each inventory record for five (5) years. The inventory record shall contain the identity and estimated activity of each radionuclide, the model number of each source, and serial number if one has been assigned the location of each source, date of the inventory, and the signature of the Radiation Safety Officer. The licensee shall conduct a physical inventory of all sealed sources received and possessed under the license at intervals not to exceed six (6) months and retain each inventory record for five (5) years. The inventory record shall contain the identity and estimated activity of each radionuclide, the model number of each source, and serial number if one has been assigned the location of each source, date of the inventory, and the signature of the Radiation Safety Officer.



Iowa Department of Public Health
MATERIALS LICENSE

Page 3 of 3 Pages

Supplementary Sheet

License No. 0291-1-29-FG

18. In addition to the possession limits in Item 7, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 641-39.4(26)"b" or 641-39.4(26)"d" for establishing decommissioning financial assurance.

19. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The Iowa Department of Public Health's rules shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the rules.

A. US Nuclear Regulatory Commission letter dated March 16, 2000.

For the Iowa Department of Public Health

Date 04/13/00

By *George F. Johns, Jr.*
George F. Johns, Jr.
Radioactive Materials Program

Date 4/13/00

Concurrence *Donald A. Flater*
Donald A. Flater, Chief
Bureau of Radiological Health

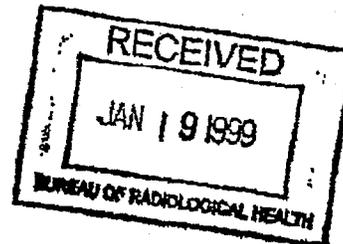
GFJ/DAF/rum



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 13, 1999

1
Mr. Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319-0075



Dear Mr. Flater:

I am responding to your August 21, 1998 letter regarding the applicability of the draft decommissioning guidance associated with Subpart E to 10 CFR Part 20.

The first question you raised deals with the standards applicable to a licensee that continues to operate, but has buildings or land which they propose to release for unrestricted use. The standards applicable here are detailed in Subpart E of 10 CFR Part 20. Specifically, 10 CFR 20.1402 utilizes 25 mrem (0.25 mSv) TEDE to an average member of a critical group. The draft guides described in your letter or other methods may be used to demonstrate compliance with the standard, however, the standard remains the same. Additional guidance on timeliness in decommissioning of specific buildings or land is provided in NRC Administrative Letter 96-05, Revision 1 (enclosed).

Under Subpart E of 10 CFR Part 20, licensees may release portions of a site for unrestricted use before the license for the entire site is terminated. However, upon license termination, licensees must ensure that the total dose from the entire site (including the dose from parcels released prior to final license termination) does not exceed the criteria in the regulations. As such, if a licensee seeks to release a portion of the site early, it should conduct its evaluation with future license termination in mind. If the part of the site released would contribute a significant fraction of the 25 mrem, then it will have to be re-evaluated as part of the entire site when license termination is requested. Therefore, a portion should not be released if it would cause a problem later on for license termination.

Your second question relates to what standards apply to a facility with residual radioactivity that must be removed and no license has ever been issued. The rule does not apply to unlicensed sites. Therefore, while the criteria can be applied, a site which does not meet the criteria can be released under alternative criteria that NRC or the Agreement State would determine to be reasonable on a case-by-case basis. As a separate matter, the licensing agency will have to determine whether to require a license for the site. If this is required, then the Decommissioning Rule would apply.

Your third question relates to whether or not NRC plans to revisit those sites decommissioned utilizing the draft guidance, once the final guidance is implemented. We would not revisit

Donald A. Flater

- 2 -

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released sites determined to comply with the rule under interim guidance, unless as stated in 10 CFR 20.1401 (c), a significant threat to public health and safety exists.

I hope that we have adequately addressed your concerns on this matter.

Sincerely,



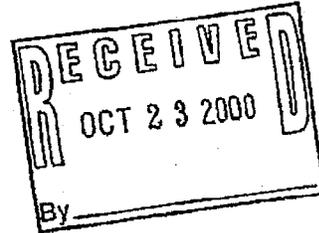
Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosure:
As stated



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101
OCT 18 2000



J.B. Elliott
Lieutenant Colonel, U.S. Army
Commanding
Iowa Army Ammunition Plant
17571 State Highway 79
Middleton, IA 52638-5000

Dear Lieutenant Colonel Elliott:

The purpose of this letter is to clarify and provide guidance as to the approach the Army should be taking in preparation of the upcoming Sampling and Analysis Plan (SAP) for evaluating releases of hazardous substances at Line 1 and the Firing Site of the Iowa Army Ammunition Plant (IAAP) pursuant to our Federal Facility Agreement (FFA). In addition, we would like to share our views regarding the integration of state regulatory concerns into our CERCLA clean up process.

As you are aware, the ultimate output from the sampling efforts at these sites will be a Supplemental Remedial Investigation (RI) report. The Supplemental RI report should clearly define the nature and extent of contamination at these sites attributable to plant activities and should address all potential contaminants of concern, including explosives, metals, radionuclides, VOCs, and any other constituents that may drive risks at the sites. We have conducted such sampling as part of the Remedial Design phase of the CERCLA process at most of the IAAP sites subject to our Interim Record of Decision (IROD, March 1998). Line 1 is subject to the IROD, while a remedy has not yet been selected to address the Firing Site. We believe it is appropriate that the FFA parties place particular focus on Line 1 and the Firing Site due to significant stakeholder interest and involvement.

The SAP and Supplemental RI for Line 1 and the Firing Site should be prepared in a manner that is consistent with applicable EPA guidance and meets the Army's FFA obligations. Guidance relevant to planning, implementing, and evaluating radiological surveys that should be consulted in preparing the SAP and the Supplemental RI is the "Multi-Agency Radiation Survey and Site Investigation Manual" (MARSSIM, December 1997). While MARSSIM applies primarily to radiological contamination of surface soil and building surfaces, other CERCLA guidance and modifications to the MARSSIM guidance should be considered in addressing other impacted media (e.g., groundwater, surface water, sub-surface soils) at IAAP.

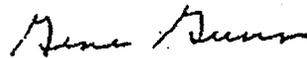


Another matter we wish to clarify is the role of the state of Iowa in assessing potential impacts of radiological contamination at the IAAP. As you are aware, the state is not a signatory to our FFA, and in the past, has not been actively involved in providing input to our clean up decisions to address non-radiological contaminants. The Iowa Department of Public Health (IDPH), however, desires and has authorities relative to Iowa Code Chapter 136C to participate in decision-making relative to assessment and management of radiological contamination at the IAAP. It is EPA's intent, and as we understand the Army's intent as well, to make the IDPH a full partner in moving forward collaboratively with all issues involving possible radiological contamination at the IAAP. We intend to work with the IDPH to better understand and identify potential Applicable or Relevant and Appropriate Requirements (ARARs) which should be considered as we evaluate possible remedial alternatives to address radiological contamination that may pose an unacceptable risk to human health or the environment. Appropriate state ARARs should be considered, as required by the National Contingency Plan, in developing radiological clean up requirements. It is our desire to integrate state requirements into a comprehensive, CERCLA/FFA-based approach, so that the Army can proceed to clean up radiological contamination, where required, using a single regulatory process.

While we have had discussions and have received correspondence indicating the Army's intent to proceed with sampling activities at Line 1 and the Firing Site, the Army should formally propose a schedule pursuant to our FFA for primary documents associated with this activity. The SAP and the Supplemental RI for Line 1 and the Firing Site are considered primary documents under our FFA.

I suggest that we arrange for discussions among the Army, IDPH, and EPA to ensure that all parties have effectively communicated their intentions on this matter so that we may reach a common understanding for proceeding in an efficient manner. Please contact me at (913) 551-7776, or Scott Marquess of my staff at (913) 551-7131, so that we may make such arrangements.

Sincerely,



Gene Gunn

Chief

Federal Facilities/Special Emphasis Branch

cc: Don Flater, IDPH
Susan Dixon, IDNR
Kevin Howe, USACE
Tim Howard, OSC