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NOTE TO: FILE

FROM: Eric Pogue, Project Manager **/RA/**
Decommissioning Branch
Office of Nuclear Material Safety
and Safeguards

On November 5, 2002, a public meeting between the United States Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) was held regarding the Memorandum of Understanding (MOU) on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites. A summary of this meeting is enclosed, along with a copy of the meeting agenda, presentations, and attendance list.

Attachments:

1. Summary of NRC-EPA MOU Public Meeting
2. Agenda: NRC-EPA MOU Public Meeting
3. NRC Presentation: Memorandum of Understanding between EPA and NRC
4. EPA Presentation: 2002 MOU between NRC and EPA
5. NRC Presentation: NRC Next Steps and Guidance
6. EPA Presentation: Implementation of the MOU
7. Meeting Attendance List

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* See previous

OFC	DCB		DCB		DCB	
NAME	R. Rodriguez*		E. Pogue		S. Moore*	
DATE	12/20/02		03/24/03		3/04/03	

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MEETING SUMMARY

Memorandum of Understanding (MOU) on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites November 5, 2002

On November 5, 2002, the United States Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) held a joint meeting at NRC Headquarters in Rockville, MD. The meeting was open to the public and the purpose was to discuss the Memorandum of Understanding (MOU) on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites.

The meeting was well attended by approximately 100 people. Participants in this meeting included: members of the public, representatives of nuclear organizations, staff from the U.S. Army Corps of Engineers and the U.S. Department of Energy (DOE), NRC staff, EPA staff, and media representatives.

The session began with a poster presentation. Later, staff from NRC and EPA gave brief presentations on the MOU and its implications. The remainder of the meeting consisted of a question and answer session between members of the audience and NRC and EPA representatives.

As discussed during the meeting, provisions of the MOU require consultation between NRC and EPA whenever an NRC-licensed facility, at the time of license termination, meets any of the following:

1. NRC determines that the residual levels of contamination in groundwater exceed radionuclide Maximum Contaminant Levels (MCLs) as established in the Safe Drinking Water Act.
2. Residual levels in the soil exceed the concentrations mentioned in Table 1 of the MOU: "Consultation Triggers for Residential and Commercial/Industrial Soil Contamination".
3. NRC is considering restricted release of a site for license termination under conditions specified in 10 CFR 20.1403.
4. NRC is considering alternative criteria for license termination; a site-specific dose greater than NRC's primary dose of 25 millirem/yr. may be allowed. (10 CFR 20.1405)

Significant points made by NRC & EPA during the meeting include:

1. The purpose of the MOU is to limit dual regulation.
2. The MOU will improve communication between both agencies.
3. The MOU should increase stakeholders confidence in terms of the way both agencies regulate.

4. The MOU provides values that trigger consultation between both agencies, it does not establish new remediation standards for NRC sites,
5. The MOU does not relieve NRC licensees of compliance with 10 CFR Part 20 Subpart E.
6. The MOU does not impose any new regulations or burdens on NRC licensees.
7. The MOU does not revise how cleanup actions under CERCLA are conducted.
8. EPA's current policy is to only list sites on the Superfund National Priorities List (NPL) after receiving concurrence letter from the State's Governor.