

**UPDATE ON THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ON DECOMMISSIONING SITES**

**Rafael L. Rodriguez, Project Manager ([rlr1@nrc.gov](mailto:rlr1@nrc.gov))  
Derek A. Widmayer,\* Project Manager ([daw@nrc.gov](mailto:daw@nrc.gov))**

***U.S. Nuclear Regulatory Commission, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Mail Stop T-7E18, Rockville, MD 20555***

## **INTRODUCTION**

The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Environmental Protection Agency (EPA) signed a Memorandum of Understanding (MOU), *Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites*, effective October 9, 2002. Two sites which had cleanup levels in their Decommissioning or License Termination Plans that triggered the MOU had their licenses successfully terminated in 2005. A consultation between the two agencies took place in December 2005 regarding the Kerr-McGee Corporation's Cushing Refinery Site, located in Cushing, Oklahoma. A consultation is expected to occur on the Cabot Performance Materials site, located in Reading, Pennsylvania, during 2006.

## **DISCUSSION AND RESULTS**

On November 7, 2005, NRC terminated the license for the Saxton Nuclear Experimental Corporation Facility. The approved License Termination Plan for the Saxton facility contained derived concentration guideline levels for two radionuclides (Cs-137, Eu-152) that exceeded the values in Table 1 in the MOU. Since the LTP had already been approved, NRC notified EPA of the decommissioning actions at Saxton and noted that if the actual residual radioactivity levels were above the Table 1 values, that a consultation under the MOU would be required. At termination, the actual residual radioactive concentrations were well below the Table 1 MOU values, therefore, no consultation was necessary.

Similarly, the NRC notified EPA of the decommissioning actions at the Kirtland Air Force Base where planned cleanup values for Th-232 in the Decommissioning Plan exceeded the Table 1 MOU values. NRC terminated the Kirtland Air Force Base license on December 2005, after determining the actual cleanup values did not exceed MOU Table 1 values. Therefore, consultation on this facility was also not required.

On October 18, 2005, NRC issued a letter to EPA to initiate a consultation under the MOU concerning the Kerr-McGee Cushing site because the residual

contamination levels in the groundwater after the licensee completed the final status surveys of the site were above EPA's maximum contaminant levels for total Uranium. NRC explained the basis and justification for approving the residual contamination levels in the groundwater at the site. On December 13, 2005, EPA notified NRC that they were satisfied with the approach used by the Agency to address groundwater contamination.

NRC will initiate a consultation on the Cabot Performance Materials site in Reading, Pennsylvania. NRC staff has reviewed the decommissioning plan and has determined that the derived concentration guideline level for one of the radionuclides will exceed the value in Table 1 in the MOU. This consultation is expected to occur in 2006.

## **RESULTS**

NRC and EPA have successfully implemented the MOU at three sites in 2005, and will initiate a consultation on the Cabot Performance Materials site in 2006. NRC and EPA will continue consultations according to the MOU to ensure that decommissioning is coordinated between the two agencies, and the need for dual regulatory actions is minimized.

## **REFERENCES**

1. U.S. EPA and U.S. Nuclear Regulatory Commission, *Memorandum of Understanding on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites*, October 9, 2002.
2. U.S. NRC, Letter from B.E. Thomas to J. Byrne, Saxton Nuclear Experimental Corporation, *Termination of the Saxton Nuclear Experimental Corporation Facility License No. DPR-4*, November 7, 2005.
3. U.S. Nuclear Regulatory Commission, Letter from J.R. Strosnider to M. Cook, U.S. EPA, *Termination of the Saxton Nuclear Experimental Corporation Site License*, November 29, 2005.
4. U.S. NRC, Letter from R.S. Browder to M. Wrobel, Department of the Air Force, *License Amendment No. 19*, December 13, 2005.
5. U.S. NRC, Letter from J.R. Strosnider to M. Cook, U.S. EPA, *Notification of the Decommissioning of Kerr-McGee, Cushing Site*, October 18, 2005.

\* Derek Widmayer is now with the U.S. Nuclear Regulatory Commission, Advisory Committee on Nuclear Waste, Mail Stop T-2E26, Rockville, MD 20555.