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RECORD #179

TITLE: NRC Responsibilities Concerning Old Contaminated Sites

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NUCLEAR REGULATORY COMMISSION
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MEMORANDUM FOR: Ronald C. Haynes, Regional Administrator, Region I
James P. O'Reilly, Regional Administrator, Region II
James G. Keppler, Regional Administrator, Region III
John T. Collins, Regional Administrator, Region IV
Robert H. Engelken, Regional Administrator, Region V ✓

FROM: John G. Davis, Director
Office of Nuclear Material Safety and Safeguards

SUBJECT: NRC RESPONSIBILITIES CONCERNING OLD CONTAMINATED SITES

On December 4, 1981, I sent you a draft guidance memorandum for comments concerning NRC's authority and EPA's statutory authorities for dealing with problems associated with old-unlicensed and contaminated sites. We had hoped that EPA and NRC would co-sign an interim guidance statement to clarify jurisdictional issues. Subsequently, EPA has informed us that it is not yet prepared to sign a guidance statement. In response, we informed EPA that we intended to proceed with issuing internal guidance to the NRC staff on this subject, since jurisdictional issues on contaminated areas continue to arise from day-to-day.

A copy of the NRC guidance statement is enclosed. We tried to be responsive to your comments, but could not provide additional specific guidance that some offices requested. However, as we gain experience in handling contaminated site cases, we will provide more specific guidance in the months ahead. For your information we have also enclosed a copy of each offices' response to our request for comments.


John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Guidance Concerning Contaminated Sites
2. Responses from Regions

GUIDANCE TO NRC REGIONAL OFFICES CONCERNING CONTAMINATED SITES

General Statement

The NRC has primary responsibility and will take such actions as it deems appropriate where areas have been contaminated by source, byproduct, or special nuclear material as the result of the licensed activities of present or former NRC or Atomic Energy Commission licensees, except for areas currently under the responsibility of the Department of Energy (DOE) or the Department of Defense (DOD). This includes "on-site" as well as "off-site" areas with contamination that resulted from licensed activities. For radioactive contamination where NRC does not have the responsibility and authority to require actions concerning contamination, or if exercise of its authority is impracticable, the case will be referred to EPA.

Specific NRC Responsibilities

NRC will inform and coordinate the actions it takes concerning contaminated sites with EPA to minimize unnecessary duplication of effort by NRC and EPA. Activities which will be coordinated include but are not limited to: data collection, monitoring, and development of remedial or cleanup requirements. Also, NRC will exchange (subject to security requirements and statutory restrictions on the release of information) summaries of inspection records, investigations of potential health problems, results of radiological assessment activities, and other information related to possible remedial or cleanup actions at contaminated areas. In addition, NRC will ensure that state and local government officials are fully informed about Federal activities involving contaminated areas.

NRC will perform or have performed independent radiological assessments of contaminated areas, as necessary and within resources:¹

- (i) to determine whether present NRC licensees comply with applicable requirements;
- (ii) to determine whether contamination that may have been caused by present or former licensees has been reduced to levels consistent with NRC requirements; and,
- (iii) to determine proper decontamination of areas that are intended for unrestricted use (for present or former NRC licensees only).

As part of its licensing functions, NRC will develop cleanup criteria for contaminated areas under the control of NRC licensees and shall ensure,

¹NRC Regional offices may not have the resources necessary to carry out a comprehensive radiological survey of contaminated areas. In these cases, NMSS should be contacted to determine if its contractor, Oak Ridge Associated Universities, can be scheduled to perform the survey.

to the extent practicable, that NRC criteria are consistent with EPA's general cleanup standards or guidance. Cleanup criteria for specific areas and contaminants will be provided by NMSS on a case-by-case basis upon request from the Regions. In developing cleanup criteria, NMSS will consult with EPA as necessary. An area already contaminated may be subject to different area-specific cleanup criteria which may be less stringent than those criteria applicable to current or future activities. (Until notified differently, Regional offices should provide information concerning formerly contaminated areas to NMSS on a case-by-case basis to determine if the areas can be released for unrestricted use.)

NRC has the responsibility to ensure, to the extent practicable under applicable law, that areas contaminated by present or former NRC or AEC licensees meet the cleanup criteria established for the contaminated area.

NRC Regional Administrators should make contacts with the appropriate EPA Regional Administrator as are necessary to carry out the above policy. The referral of cases to EPA should be confirmed in writing.

In the event there are areas of uncertainty which do not necessarily fall under either agency jurisdiction, the issue should be referred to headquarters for consultation and review. The headquarters contact for these types of issues is the Director, Office of Nuclear Material Safety and Safeguards. (Staff level contact is R. G. Page.)

In light of the current limitations of resources, it is incumbent that NRC limit itself only to those areas that are NRC responsibilities and that we not expand our work beyond the limits of our responsibilities.