



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI
1445 ROSS AVENUE
DALLAS, TEXAS 75202

RETURN ORIGINAL TO PDR, HQ.

40-8907

SEP 14 1989



Mr. Kenneth Monroe Carr
Chairman
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Dear Mr. Carr:

It was a pleasure to meet you recently and I apologize for the delay in providing you with the information you requested on the Kerr McGee site in Cushing, Oklahoma. Unfortunately our files on the site had been forwarded to EPA Headquarters and we have just now retrieved them. I am pleased to provide you with this information and I wish to reiterate that the Environmental Protection Agency (EPA), Region 6 is pleased to offer technical assistance to the Nuclear Regulatory Commission (NRC) to develop a comprehensive corrective action plan for this site.

Enclosed, for your information is a complete copy of our file, which includes copies of sampling and inspection reports conducted during 1984, 1986 and 1987 showing the presence of radium, and thorium in soil sludges and ground water at the site. ~~if your staff wishes to discuss the reports in more~~ detail, please have them contact Bill Taylor of my staff at (FTS) 755-8740.

In addition, I wish to point out that in areas of mutual concern, NRC and EPA Region 6 have worked well together. Since the State of New Mexico returned its regulatory responsibility for uranium mills to NRC in June of 1986, EPA Region 6 has coordinated with NRC's Region 6, Uranium Recovery Field Office on requirements at two Superfund Sites. We signed the first EPA/NRC Memorandum of Understanding (MOU) on joint jurisdiction regarding the United Nuclear Corporation (UNOC) Superfund site. Cleanup is now proceeding on this site. We also anticipate signing a second MOU on the Homestake Mining Company site in August or September of this year. A copy of the UNOC MOU is enclosed.

In your testimony you indicated that NRC would be exercising jurisdiction over sites where NRC licenses have been terminated. We are pleased to hear this, however, this would be a significant change in the 1983 policy (Federal Register, Volume 48, Number 175, Thursday, September 8, 1983, Rules and Regulations, page 10651). The policy states that under the agreement those sites which have terminated licenses will be addressed under Superfund. In order to bring EPA/NRC policies up to date, I recommend that NRC contact Henry Longest, Director, Office of Emergency and Remedial Response, Office of Solid Waste and Emergency Response, Washington, D.C., so that the 1983 MOU can be updated to reflect NRC's present position. Mr. Longest may be reached at (202) 382-2180.

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Certified By Gregory C. Hood

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CORRESPONDENCE PDR

Also enclosed is a list of EPA Region 6 CERCLIS sites in Agreement States which this Region is investigating under Superfund. We would be pleased to coordinate on these and any sites where hazardous waste has mixed or become comingled with a by-product, source or special nuclear material traditionally regulated under the Atomic Energy Act, as amended.

As stated earlier, your testimony indicated that NRC would be evaluating facilities where NRC licenses have been terminated. Along these same lines, I would like you to encourage NRC to further evaluate environmental conditions at currently licensed facilities in Agreement States under the Atomic Energy Act, as amended. Experience in EPA Region 6 indicates that licensing actions in Agreement States, particularly with regard to uranium mill tailings facilities, have not always been adequate in addressing ground water migration, reclamation and financial assurance concerns in order to implement closure. One such example of deficient regulatory requirements in an Agreement State is apparent in New Mexico. State regulation and oversight of uranium mill facilities began in 1974, and resulted in significant environmental problems and the subsequent listing of two facilities on the National Priorities List (those listed earlier). When New Mexico returned the licensing program for uranium mills back to NRC in 1986, it is our understanding that deficiencies in the State Program were also quite apparent to NRC.

As you are aware, similar concerns with regard to mill tailings currently or potentially exist in Agreement States within EPA Region 6 (refer to enclosed EPA Region 6 CERCLIS list) and in other EPA Regions. My staff has shared these concerns with NRC staff in the past in order to encourage NRC reviews of State regulatory programs.

We look forward to working with NRC in our mutual efforts to protect public health and the environment. If I can be of any assistance, please let me know.

Sincerely yours,

Allyn M. Davis
Director
Hazard Waste Management Division (6H)

Enclosure

cc: Jonathan Cannon, Acting Assistant Administrator
Office of Solid Waste And Emergency Response w/o enclosures
United States Environmental Protection Agency

Jerry Lingest, Director
Office of Emergency and Remedial Response w/o enclosures
United States Environmental Protection Agency

Richard J. Duizend
Office of Radiation Programs, Director
United States Environmental Protection Agency

Robert D. Martin, Regional Administrator
U.S. Nuclear Regulatory Commission
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Raymond Hall, Director
U.S. Regulatory Commission
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A. Bert Davis, Regional Administrator
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bcc: William Rowe (6H-E0)