

DEC 01 1981

Dr. John W. Hernandez, Jr.  
Deputy Administrator  
U.S. Environmental Protection Agency  
Washington, D. C. 20460

Dear Dr. Hernandez:

As you know, there are certain areas over the country contaminated with uranium and thorium residues and their daughter products. The contamination resulted from a variety of processing operations, some dating as far back as the late 1800's. Only some of the more recent operations have been subject to licensing by the Nuclear Regulatory Commission (NRC) (or its predecessor agency, the Atomic Energy Commission). In some instances waste residues containing radionuclides have been removed from the original processing site to other locations for landfill, construction and other purposes.

Questions arise from time to time about the public health and safety implications of residual contamination and waste residues resulting from these operations. Depending on the specific circumstances, the NRC or the Environmental Protection Agency (EPA) may make radiological assessments and institute actions to effect stabilization or cleanup of the contamination. Because of overlapping NRC and EPA statutory authority, however, there has been, and continues to be, a problem in defining which agency has principal responsibility for taking action. This has led to duplication of effort in some instances and delay in taking action in others. Accordingly, we believe there is a need to define our respective areas of responsibility so that our combined resources can be employed most efficiently on radiation contamination problems.

At a meeting held by the Office of Management and Budget (OMB) on February 18, 1981, EPA and NRC agreed that a way to resolve jurisdictional issues would be through a Memorandum of Understanding (MOU). Since that time, our staffs have met many times to draft an MOU and have completed the proposed MOU, which the NRC remains ready to sign. We understand from informal discussions between staff members that EPA will not be prepared to sign a formal MOU until its new management has had an opportunity to reassess its policies, program direction and resource requirements.

We recognize the importance for EPA's new management to complete its reassessment before agreeing to sign a formal MOU. There is a need, however, to provide interim guidance to our staffs because clean up of contaminated sites continues. The attached document is intended

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to serve that purpose. It provides general guidance on areas of responsibility for contaminated sites and outlines a procedure for coordination and cooperation between our respective staffs as work progresses. Unlike the proposed MOU, the guidance document limits its scope to the narrow issue of sites contaminated with uranium, thorium or their daughter products and does not go into detail about statutory authority. The interim guidance can be used until the more formal and detailed MOU is adopted.

I believe the attached guidance will be helpful and have signed it. If you agree, please sign both copies and return one to me. Once signed, I plan to issue the document to NRC staff as an instruction on how to work with EPA on the contaminated sites.

I will be pleased to meet with you to discuss this matter if you wish.

Sincerely,

(Signed) William J. Dircks

William J. Dircks  
Executive Director  
for Operations

Enclosure: As stated

INTERIM GUIDANCE TO THE STAFFS OF THE ENVIRONMENTAL  
PROTECTION AGENCY AND THE NUCLEAR REGULATORY COMMISSION

AREAS CONTAMINATED WITH URANIUM AND THORIUM WASTES  
AND THEIR DAUGHTER PRODUCTS

1. General Guidance

The NRC shall have primary responsibility to take such action as it deems appropriate where areas have been contaminated with uranium, thorium and their daughter products as the result of the licensed activities of present or former Nuclear Regulatory Commission (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). If NRC finds that it does not have the authority to require actions at a particular site or if exercise of its authority is impracticable, it may request EPA to consider action under its authority.

For all other areas contaminated with uranium or thorium, EPA shall have primary responsibility to take such actions as it deems appropriate in accordance with its statutory authority, including setting cleanup and disposal standards for 25 processing sites identified under Title I of UMTRCA.\*

2. Coordination and Cooperation

EPA and NRC shall:

- A. Jointly develop and maintain a current list of contaminated areas;
- B. Determine on a case-by-case basis the respective responsibilities of the agencies for remedial or cleanup actions;
- C. Coordinate activities involving contaminated areas to minimize unnecessary duplication of effort. Activities which will be coordinated include but are not limited to: data-collection, monitoring, and development of remedial or cleanup requirements;
- D. 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;

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\*DOE is responsible for remedial actions at these 25 sites and at non-licensed sites that are or were dedicated to U.S. Government programs.



- E. Designate liaison officers to facilitate implementation of this Interim Guidance and to keep each agency informed of activities under this guidance; and
- F. Ensure that state and local government officials are fully informed about federal activities involving contaminated areas.

### 3. Implementation

The following agency components shall have lead responsibility for assuring the guidance in Items 1 and 2 above is followed:

EPA - Office of Radiation Programs  
Office of Air, Noise and Radiation Enforcement  
Office of Emergency and Remedial Response

NRC - Division of Fuel Cycle and Material Safety

Each of the above organizational components shall designate specific personnel to be contacted on matters related to implementing this Interim Guidance. EPA and NRC shall provide each other with a list of these personnel semiannually or more frequently if necessary.

### 4. Signatures

This Interim Guidance shall take effect upon its signing by authorized representatives of the respective agencies and shall remain in effect until further notice.

FOR THE ENVIRONMENTAL PROTECTION AGENCY:

\_\_\_\_\_  
Date

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Dr. John W. Hernandez, Jr.  
Deputy Administrator

FOR THE NUCLEAR REGULATORY COMMISSION:

\_\_\_\_\_  
Date

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(Signed) William J. Dircks  
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William J. Dircks  
Executive Director for Operations