



OFFICE OF THE SECRETARY

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555

December 8, 1993

RELEASED TO THE PDR 12/22/93 date initials

MEMORANDUM TO: James M. Taylor Executive Director for Operations
FROM: Samuel J. Chilk, Secretary
SUBJECT: SECY-93-316 - MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION, REGION IV, AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 6, FOR REMEDIAL ACTIONS AT THE SEQUOYAH FUELS CORPORATION URANIUM HEXAFLUORIDE PROCESSING FACILITY

This is to advise you that the Commission has not objected to the proposed Memorandum of Understanding with the minor changes indicated in the attachment. Additionally, the staff should approach and discuss with EPA early involvement of the State in the remedial action process of Sequoyah Fuels and, if appropriate, the MOU could be expanded to include pertinent references to the State.

Attachment: As stated

cc: The Chairman Commissioner Rogers Commissioner Remick Commissioner de Planque OGC OCA OIG Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM AND SECY-93-316 WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

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coordinate all activities and provide review and comments directly to the other. EPA and NRC will coordinate and agree on appropriate remediation criteria and ensure conformance to established environmental standards. Each Party will be responsible for ensuring compliance with its specific regulatory requirements, as discussed in this section. NRC regulations require licensees to submit a site characterization report and to implement an approved decommissioning plan to remediate the site to standards approved by NRC.

III. BACKGROUND

Section 3008(h) of RCRA authorizes EPA to issue an enforcement order requiring corrective action at an interim status facility when there is evidence of any release of hazardous waste or hazardous waste constituents to the environment. Under these RCRA 3008(h) orders, corrective action can be required regardless of when releases to the environment occurred at a site. Therefore, past problems at a RCRA facility may be addressed using this mechanism. In May 1991, following review of the extent of contamination discovered during the excavation of tanks near the solvent extraction (SX) building, EPA and NRC coordinated and conducted a joint inspection of the SFC facility. Information collected during and after this inspection indicated that hazardous constituents and radioactive materials have been released to the environment from the SFC site. As a result, EPA transmitted a RCRA 3008(h) Order to SFC in November 1992, that required corrective actions be initiated at the site. After negotiations between EPA and SFC, agreement was reached regarding the terms of the RCRA 3008(h) Order and it became effective on August 3, 1993.

The RCRA 3008(h) Order encompasses activities which will investigate the nature and extent of hazardous constituent contamination at the site, and the development and implementation of plans for remediating the site. The corrective action process of the RCRA 3008(h) Order is similar to the process identified in the NRC Site Decommissioning Management Plan (SDMP), but address different materials or substances.

IV. AGREEMENT

To achieve satisfactory cleanup of the SFC site, NRC and EPA agree to do the following:

1. The Parties shall cooperate with each other in the oversight of remedial activity at the SFC site. The Parties shall exchange submittals (e.g. reports, correspondence, requests for licensing actions), submitted to either Party by SFC. Those ^{submittals} that impact the regulatory activities of one or both Parties will be exchanged for review and comment. The Parties shall provide each other ^{with} a reasonable time (approximately 30 days) for review and comment on these documents before initiating any type of regulatory action. Each Party shall provide the other ^{with} comments regarding these reviews. Each Party, in coordination with the other, shall provide notification to SFC pertaining to issues related to its authority or activities. Both Parties reserve all rights under this MOU to take whatever actions are determined to be necessary, including the conduct of remedial actions, to fulfill their regulatory requirements. In any event no action will be taken by either Party without prior

consultation with the other Party. In the event that one Party wishes not to furnish specific information, documents, or correspondence to the other, said material shall be identified to the other Party along with the reasons for withholding it.

2. Both Parties shall appoint a facility coordinator who shall be responsible for oversight of the implementation of this MOU and the activities required herein. The facility coordinators shall be appointed by each Party within seven (7) days of the effective date of this MOU. It is generally expected that the facility coordinators will be the EPA and NRC project managers. Each Party has the right to appoint a new facility coordinator at any time. Such a change shall be accomplished by notifying the other Party, in writing, within five (5) days of the appointment, of the name, telephone number, and mailing address of said facility coordinator.
3. The Parties will meet periodically, as deemed necessary by both parties, or at the request of either Party, to accomplish the objectives of this MOU. The facility coordinators should communicate with each other on a routine basis.
and reasonably frequent
4. The Parties will provide technical advice and any necessary regulatory consultation to one another upon request.
5. Whenever notice or information is required to be forwarded by one Party to ~~another~~^{the other} under the terms of this MOU, it shall be given by, and

directed to, the facility coordinators at the address specified as follows:

EPA: Project Manager
Hazardous Waste Management Division (6H)
U.S. EPA, Region 6, 1445 Ross Avenue
Dallas, Texas 75202-2733

NRC: Project Manager
Decommissioning and Regulatory Issues Branch
Low Level Waste Management and Decommissioning Division
U.S. Nuclear Regulatory Commission
Washington, DC 20555

6. Routine communications may be exchanged ^{orally} ~~verbally~~, in person, or by telephone between the Parties to facilitate the orderly conduct of work contemplated by this MOU.
7. Material provided under this MOU that is determined to be exempt from public disclosure according to the policies and procedures of 40 CFR Part 2 and 10 CFR Part 2.790, will be withheld from public disclosure to the extent legally permitted by such regulations. Information determined not to be exempt under the above policies and procedures will be made available to the public, if requested.
8. Each agency shall notify the other of all pending visits to the SFC property that relate to the site remediation activities. Each Party and its consultants may, at their option, accompany the other on such visits.
9. The parties will coordinate, as necessary, with other federal agencies, and state and local governments to facilitate implementation of