



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

August 11, 2020

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Ms. Patricia K. Holahan, Director  
Division of Decommissioning  
Uranium Recovery and Waste Programs  
Office of Nuclear Material Safety and Safeguards  
U.S Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Ms. Holahan:

I am writing in response to your letter of June 3, 2020, regarding the scope of the 2002 Memorandum of Understanding (MOU) on "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites" between the U.S. Environmental Protection Agency (EPA) and the U.S. Nuclear Regulatory Commission (NRC). The June 3, 2020, letter requested EPA's confirmation that uranium recovery and uranium mill tailings sites decommissioned pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Part 40, Appendix A are outside the MOU's scope.

We agree that uranium recovery and mill tailings disposal sites decommissioned pursuant to 10 CFR Part 40, Appendix A criteria are outside the MOU's scope. We consider this interpretation to be consistent with the MOU's development and implementation.

The views expressed by EPA in this letter regarding NRC's decommissioning are limited to discussions related to the MOU. The comments provided herein do not constitute guidance related to the site cleanups under the Comprehensive Environmental Response, Compensation, and Liability Act.<sup>1</sup>

I appreciate the coordination between NRC and EPA staff on this matter. If you have any questions regarding this letter, please contact Stuart Walker of my staff at (703) 603-8748.

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<sup>1</sup> Please see the memorandum entitled: "Distribution of Memorandum of Understanding between EPA and the Nuclear Regulatory Commission" (OSWER No. 9295.8-06a, October 9, 2002) which includes guidance to the EPA Regions to facilitate Regional compliance with the MOU and to clarify that the MOU does not affect CERCLA actions that do not involve NRC (e.g., the MOU does not establish cleanup levels for CERCLA sites). This memorandum may be found on the Internet at: <https://semsub.epa.gov/work/HQ/175259.pdf>

Sincerely,

Brigid Lowery, Director  
Assessment and Remediation Division  
Office of Superfund Remediation and  
Technology Innovation

cc: Schatzi Fitz-James, OLEM/OSRTI  
Laurence Libelo, OLEM/OSRTI  
Stuart Walker, OLEM/OSRTI