

Memorandum of Understanding Between EPA AND NRC

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November 5, 2002

Background

- **1983 Deferral Policy**
- **1992 MOU**
- **NRC/EPA Controversy**
- **1997 NRC License Termination Rule**
- **1997 EPA Guidance**
- **Risk Management Differences**
- **2000 GAO Report**

Dual Regulation

- **Leads to Conflicts**
- **Inefficient Use of Resources**
- **Lack of Finality**
- **Erodes Public Confidence**

2002 MOU

- **Process to eliminate or mitigate dual regulation**
- **Congress directed language**
- **Success Between Agencies**
- **MOU does not relieve Licensees from meeting Part 20 Subpart E**

Principles and Implementation

- **Establish a stable and predictable regulatory environment**
- **Implement NRC and EPA responsibilities in a coordinated and consistent manner**
- **Inform Congress and Stakeholders**

Specific MOU Provisions

- **EPA agrees to defer to NRC**
 - Vast majority of NRC terminated licenses will not invoke MOU
- **NRC agrees to consult with EPA when:**
 - Site groundwater contamination exceeds EPA MCLs
 - Site soil concentrations exceed levels defined in MOU
 - NRC contemplates restricted release or alternate use criteria
- **License Termination rule continues a dose criterion that encompasses all pathways.**

COMPARISON OF MOU CONSULTATION VALUES TO NRC'S COMPLIANCE SCREENING CRITERIA

H-3	2.1	Co-57	5.8	Cs-137	0.55	U-234	31
C-14	3.8	Co-60	1.1	Eu-152	0.46	U-235	2.5
Na-22	2.1	Ni-59	3.8	Eu-154	0.63	U-238	5.3
S-35	73	Ni-63	4.5	Ir-192	8.2	Pu-238	120
Cl-36	17	Sr-90	14	Pb-210	17	Pu-239	110
Ca-45	240	Nb-94	0.34	Ra-226	7.1	Pu-241	560
Sc-46	7	Tc-99	1.3	Ac-227	20	Am-241	89
Mn-54	4.6	I-129	120	Th-228	3.2	Cm-242	200
Fe-55	27	Cs-134	2.8	Th-232	4.5	Cm-243	11

Values <1 = NRC's value is larger;
 Values >1 = MOU value is larger

Example 1

- A site has Sr-90 in Soil
- Requesting License Termination
- Must show compliance with Part 20
- Coordination with EPA
 - Screening Criteria
 - No Consultation with EPA
 - Site-specific modeling
 - No Consultation with EPA if <23 pCi/g

	Sr-90+D
NRC Screening Value	1.7 pCi/g
MOU Residential Value	23 pCi/g

Example 2

- A site has Cs-137 in Soil
- Requesting License Termination
- Must show compliance with Part 20
- Coordination with EPA
 - Screening Criteria
 - Consultation with EPA if ACTUAL concentrations >6 pCi/g
 - Site-specific modeling
 - Consultation with EPA if ACTUAL concentrations >6 pCi/g

	Cs-137
NRC Screening Value	11 pCi/g
MOU Residential Value	6 pCi/g

Example 3

- Site has Sr-90 in ground water
- Current concentration is 12 pCi/l
- If concentration will be >8 pCi/l at time of license termination, NRC will consult with EPA.
- Must show compliance with Part 20

	Sr-90+D
EPA MCL	8 pCi/l

Path Forward

- **Each agency will revise its guidance to address consultation role**
- **NRC will continue to request legislation to eliminate dual regulation**