

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: BRIEFING ON MATTERS OF COMMON INTEREST BETWEEN NRC AND EPA
IN THE REGULATION OF RADIOLOGICAL HAZARDS

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 Briefing on Matters of Common Interest Between NRC and EPA
5 in the Regulation of Radiological Hazards

6 ***

7 PUBLIC MEETING

8 ***

9 Nuclear Regulatory Commission
10 One White Flint North
11 Rockville, Maryland

12
13 Friday, July 15, 1988
14

15 The Commission met in open session, pursuant to
16 notice, at 10:01 a.m., the Honorable LANDO W. ZECH, Chairman of
17 the Commission, presiding.

18 COMMISSIONERS PRESENT:

19 LANDO W. ZECH, Chairman of the Commission
20 THOMAS M. ROBERTS, Member of the Commission
21 KENNETH CARR, Member of the Commission
22 KENNETH ROGERS, Member of the Commission
23
24
25

1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

2 W. PARLER

3 A. BATES

4 V. STELLO

5 R. BERNERO

6 M. KNAPP

7 M. BELL

8 K. DRAGONETTE

9

10 AUDIENCE SPEAKERS:

11 J. MACRIS

12 F. GALPIN

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P R O C E E D I N G S

[10:01 a.m.]

COMMISSIONER ZECH: Good morning ladies and gentlemen. Today the Commission will be briefed by the Office of Nuclear Materials Safety and Safeguards on the interactions between the NRC and the Environmental Protection Agency on radiological issues. I understand there are representatives of the Environmental Protection Agency here with us today who would be willing to answer our questions later on.

The Environmental Protection Agency is responsible for developing many of the radiological standards which the NRC has to implement in our regulations. The EPA and the NRC interact in several areas such as mixed low-level waste, high-level waste, uranium mill tailings, in the area of residual radioactivity.

This latter area impacts our activities in decommissioning and in the area of below regulatory concern matters. Because of our dual jurisdiction requirements in several of these areas, it is important that the NRC and the EPA work together cooperatively to assure consistency in our regulations.

There's currently an EPA NRC Interface Council whose responsibility it is to facilitate the coordination and resolution of these issues. The Commission would be very interested to learn how this interface council is working and

1 to review the status of resolution of issues that are being
2 discussed between the NRC and the EPA.

3 I understand there are copies of the viewgraphs at
4 the entrance to the meeting room. Do any of my fellow
5 Commissioners have any comments that they would like to make
6 before we begin. If not, Mr. Stello, you may proceed.

7 MR. STELLO: Thank you, Mr. Chairman. I'll turn to
8 Bob Bernero who is deputy director of NMSS and is our
9 representative on the coordinating council you spoke of and has
10 first hand information on the relationships of the two
11 agencies. You are correct in your opening statement where you
12 indicated there are a number of areas where we have dual
13 responsibility for regulation and that does present a challenge
14 to two agencies to assure that the system of regulations are
15 compatible, that we work out the detailed procedures. From
16 time to time this is a complicated and time-consuming task and
17 does indeed take quite a bit of effort to resolve.

18 Mr. Bernero will be giving you some specific examples
19 of those in the briefing and to talk about in general the
20 framework of regulation in the NRC and EPA and what it is that
21 the law speaks to in terms of responsibilities for the two
22 agencies that create this problem.

23 With that brief introduction, Bob, why don't you
24 begin?

25 MR. BERNERO: Yes, sir. I'm going to be talking as

1 you indicated and I want to emphasize that, on the radiological
2 interfaces between us and EPA. In early August you will have a
3 briefing where we go into the nonradiological area where FEMA
4 and OSHA are involved with our regulatory jurisdiction. We
5 have been in touch with EPA during the preparation of this
6 briefing. We did not intend for EPA to make a separate
7 statement or give any separate briefing however, Dr. Floyd
8 Galpin from the Office of Radiation Programs in EPA is in the
9 audience should there be any question that needs to be pursued.

10 The two regulatory agencies have their own
11 independently set missions and different statutes to implement
12 and this complicates matters for us both. I'm sure the
13 Commissioners will recall from time to time we have regulatory
14 matters that come up, Commission papers come to you,
15 rulemakings or some other activities wherein it is evident that
16 EPA jurisdiction is involved and so is ours.

17 We have a most recent one that you just got about the
18 Church Rock Uranium Mill, a memorandum of understanding. It's
19 a very frequent occurrence and what I hope to illustrate for
20 you today is the broad areas of our interaction to give you
21 some idea of how the two missions and the two organizations
22 function and for the Commission to come away with a better
23 understanding of the complexity and what we are doing to deal
24 with that complexity, to continue to satisfy our mutual
25 responsibilities with a minimum of wheelspinning, with a

1 minimum of difficulty.

2 [Slide.]

3 May I have slide number three, please. We've passed
4 out photocopies of a small booklet on the EPA which I find to
5 be an excellent source. Slide three illustrates the EPA
6 mission as portrayed in there. It's a very broad mandate. If
7 you look at the EPA mission, the few words we captured on the
8 screen here, "Protect the Environment." It sweeps in the
9 entire environment -- air, ground and surface water and land.

10 This broad mission given by the Congress is in
11 contrast to -- if you look at slide four, the NRC mission is a
12 much more narrow one. True, "Protect the Public Health and
13 Safety and the National Security Interest," but our focus and
14 you recall in the NARM briefing we emphasized this too, our
15 focus is on the uranium fission process or the fission process,
16 technically other fission would be also.

17 We look at source by products, special nuclear
18 material, but it's a much more narrow focus than EPA has and
19 consequently, our statutory base is also much more focused.

20 [Slide.]

21 If we turn now to the next slide and we look at EPA's
22 major statutes and I apologize, Mr. Chairman, I know your
23 sensitivity to alphabet soup and it's very difficult to discuss
24 the many statutes that EPA is required to implement without
25 resorting to alphabet soup. A little later on I have a table

1 that might help that.

2 COMMISSIONER ZECH: I appreciate the fact that you've
3 at least given us the names in clean English anyway.

4 MR. BERNERO: If you look at theirs, we have
5 involvement with many of the things that EPA has and many
6 people forget that EPA is also responsible for implementing
7 part of the Atomic Energy Act when they were formed in the
8 reorganization -- not an act by the way, it was a
9 reorganization plan, number three, of 1970. They were given
10 some of the functions of the AEC-NRC -- what is now the NRC and
11 they had their organization drawn from any number of federal
12 agencies and then on that new agency was this broad
13 environmental responsibility put.

14 You see the sort of legislation they deal with. The
15 Clean Air Act, Safe Drinking Water Act, Superfund -- they're
16 very, very broad environmental protection statutes.

17 [Slide.]

18 If you turn to slide six, you see things that are
19 very broad -- Toxic Substances Control Act. You also see
20 things that explicitly and specifically come in congruence with
21 NRC's mission. The Uranium Mill Tailing Radiation Control Act.
22 We're deeply involved in that with EPA. The Emergency Planning
23 and Community Right to Know Act of 1986 gets them more and more
24 into emergency planning.

25 Chemical hazards, sort of, emergency planning as an

1 example. So many of their statutes -- very, very broad
2 statutory base they have and many of them involve us.

3 [Slide.]

4 Our statutes if you look at slide seven -- our
5 statutes are narrower just as our mission is narrower. Of
6 course the Atomic Energy Act and the corresponding Energy
7 Reorganization Act and the Environmental Policy Act to a
8 limited degree -- the only place where the Congress seems to
9 have gone into the detailed prescriptive mode with the NRC as
10 they have with EPA in my opinion is in the various waste acts,
11 in waste management, the Nuclear Waste Policy Act, the
12 Amendments Act.

13 We get a flavor there of the sort of legislation that
14 EPA has to implement. It's detailed. It tends to be
15 prescriptive and not necessarily 100 percent consistent from
16 one act to the other. You know, this sort of iterative
17 legislation.

18 So if we turn for a moment, I gave you a copy of an
19 organization chart in the handout and if we could get that on
20 the screen for the audience to look at.

21 [Slide.]

22 The subheadings, titles, are not really legible in
23 that, certainly on the screen, but it's important for you to
24 appreciate the EPA tends to be organized along statutory lines.
25 The assistant administrator for water, the assistant

1 administrator for solid waste and emergency response, the
2 assistance administrator for air and radiation and so on. They
3 tend to implement in the EPA organization according to the
4 statutes that are being implemented.

5 We on the other hand are perhaps somewhat more
6 functional in our organization. You know, the reactors in one
7 and all the other in another line office, in the research
8 office function. The result is you don't have a clear
9 interface between the two agencies.

10 On that chart that you have before you, we've circled
11 the principal organizations within EPA with which we interface.
12 You see it is sort of spotty. It's not a consistent pattern.
13 To a very great extent, we're not clean either -- for EPA to
14 look at us, they have a lot of dealing with NMSS. That's why
15 I'm here doing the talking.

16 They do have dealing with AEOD on emergency response.
17 They have dealing with NRR on certain matters, you know, the
18 effluence releases and things like that. So, what we have
19 between the two regulatory agencies is not a clear interface.
20 It's not a very simple thing. That's one of the reasons we
21 have this interface counsel I'll describe later, is to
22 facilitate the communication. To make sure the right people
23 can talk to the right people.

24 [Slide.]

25 We turn to slide number nine. One can summarize the

1 areas of interaction in three basic categories. In the first
2 place, both agencies being regulatory agencies, put out
3 standards, regulations, guidance, the sort of documents that go
4 with regulation and because of our congruent mission, they
5 frequently cover the same subjects.

6 They frequently have to deal with subjects against
7 our respective statutes in very similar ways. Another form of
8 overlap is where Presidential guidance is involved and probably
9 the most dramatic example of that is EPA's responsibility to
10 give Presidential guidance on protective action guidelines.

11 This is the levels of radiation in emergency
12 situations at which protective action is warranted. Whether
13 sheltering, evacuation, things like that. EPA puts out such
14 guidance in the so-called PAGs, protective action guidelines.
15 We in our regulation of nuclear facilities, implement the
16 establishment of emergency plans that are based in part on
17 taking action as appropriate to use those protective action
18 guidelines.

19 The last area is the very complex one of licensing or
20 permitting. It is simply a matter of choice. We license our
21 agents or facilities and EPA grants permits. The licensing,
22 permitting and operations involves a good deal of interaction
23 between NRC and the EPA.

24 [Slide.]

25 Now what I'd like to do is go into some areas of

1 overlap and interaction. By discussing some examples,
2 illustrate some of the difficulties we have and if you look at
3 slide ten in your package there, I have an acronym key. We'll
4 start with mixed wastes which is one of the more difficult
5 interaction areas and this acronym key lets you have quick
6 reference to what is RCRA, what is CERCLA and so forth.

7 The people in the field use these acronyms or these
8 pronounced acronyms so glibly and it's often difficult to
9 follow. Let me ask for the figure which comes right behind
10 slide ten. It's an illustration of mixed low-level waste in
11 particular and EPA programs in it to give you an idea of the
12 many and repeated places where the EPA statutes are involved
13 and thereby I hope you get an appreciation of the complexity.

14 If you look at the circle going clockwise from
15 generation of wastes through transportation, storage, treatment
16 and disposal, the little acronyms are flagged there and you can
17 see right off the bat, the CAAs appearing frequently in the
18 generation facility, the treatment, the disposal, the Clean Air
19 Act, the air regulations are often encountered and they need to
20 be satisfied.

21 These statutes are there.

22 It applies to generation of mixed waste here. It
23 could be one of our facilities such as say Sequoia Fuels.
24 There is similarity indeed to things like a nuclear reactor.
25 If you look at the water things, CWA, the Clean Water Act,

1 there are many -- or the Safe Drinking Water Act, SDWA -- many
2 requirements of those are imposed as well as these other
3 statutes.

4 Now one of recent interest and it is a word of -- by
5 the way, Jim Macris of EPA just came in and he's available too
6 in case there are questions -- if you look in the
7 transportation there is a little cartoon of a spill there and
8 CERCLA. I can never remember what CERCLA stands for. I'll
9 refer to the acronym. But CERCLA applies to accidental release
10 and just as it does here in this transportation accident have
11 coverage, it also applies to facilities.

12 So again, if I make analogy to Sequoia Fuels, there
13 are CERCLA requirements that go with that and so you can see
14 the very complex things here in this example of mixed waste.
15 If I could go to slide twelve.

16 [Slide.]

17 I'd like to talk about mixed waste itself as an issue
18 of overlap. We have identified problems in dealing with mixed
19 waste that can be summarized as we have here. First of all, we
20 have this dual regulation to get a clear definition of what it
21 is. Secondly, there are institutional problems about -- you
22 know, the states do some of this and when do they do it and how
23 do they do it. The timetables, the standards -- is the second
24 problem. Then a rather knotty one that faced us early on --
25 the EPA liner technology -- their design standards appeared to

1 be almost contradictory to NRC's.

2 Basically if you study our regulations for low-level
3 waste disposal the concept that comes out of that if you would
4 summarize it is a stable well-drained configuration -- a trench
5 full of material with some sort of cover, ground cover, a crown
6 on the top of the trench, a stable thing that's not supposed to
7 subside, and well-drained.

8 The philosophy that underlies it is that if you look
9 at EPA design standards for mixed waste, it's completely around
10 the other way in attacking it. It's a closed thing with
11 drainage capture. Sort of a sealed thing, a basin, a cup.
12 Therein lies an apparent contradiction.

13 If one would say the NRC standards would have you
14 drain the facility, the EPA standards would have you not drain
15 the facility. So these are the problems we saw at the
16 beginning of the mixed waste overlap.

17 [Slide.]

18 Now if we turn to the next slide, number thirteen, we
19 can look at some of the progress we've had to date. It's good
20 progress. Not without difficulty. Certainly not through the
21 problem. There's more to come. We have had what I think is
22 significant success in putting together and promulgating joint
23 guidance for how to reconcile the drainage anomaly.

24 For what the definitions are. For guidelines on
25 siting as well as design. So we have had good progress there.

1 We have also put out an information notice in order to sort of
2 extend ALARA in here. Mixed waste is a troublesome issue and
3 we'd like to minimize the generation of mixed waste so we are
4 so exhorting our licensees.

5 The states and the compacts of states have met some
6 progress on the site development milestones. There's some
7 success there. But what I don't say here's the success that
8 should be flagged, there's more to come. First of all, the
9 process will be credible when licensing and permitting are in
10 place and we actually have mixed waste disposal sites in
11 operation where these problems have been brought up and
12 resolved.

13 Possibly we might even go into further details there
14 in accomplishing this whereby say standards for sampling and
15 testing of mixed waste would be develop and promulgated but the
16 proof will be when we have existing sites. When we're in
17 operation there.

18 Now underlying this and there was an item of interest
19 that came to you about a week and a half ago and I would like
20 to recall it for you, the American Society of Mechanical
21 Engineers has a major effort underway on mixed waste. It is
22 probably best described as constructive lobbying. They're
23 talking to us. They're talking to EPA and others. Basically
24 what they would like to see is a single statute and a single
25 agency to regulate mixed waste.

1 Of course, that would require legislation because
2 right now the laws are what they are. We have been meeting
3 with the American Society of Mechanical Engineers and this
4 dialogue is going on but basically we think it can work the way
5 we're working it. That's the way we're proceeding. I think
6 EPA is acting on the same pattern.

7 So this activity will undoubtedly go on for awhile as
8 the ASME seeks to change that and seeks this alternative
9 legislation.

10 COMMISSIONER ZECH: In the meantime, it's my
11 understanding that we're trying to work together with EPA and
12 making considerable progress as you're pointing out without
13 legislation. That's what we're attempting to do. It looks to
14 me like from what you've told me in the area of mixed waste
15 that we are making progress; is that correct?

16 MR. BERNERO: Yes. I think so. I think that's a
17 fair characterization. It's not without difficulty. It's a
18 complex area.

19 COMMISSIONER ZECH: We're waiting for legislation but
20 we're trying to make it work without that.

21 MR. BERNERO: That's right.

22 COMMISSIONER ROBERTS: Would EPA have the same
23 comment?

24 VOICE: I think so.

25 COMMISSIONER ZECH: Excuse me. Would you mind coming

1 to the microphone and identifying yourself for our reporter?

2 MR. MACRIS: My name is Jim Macris and I've been
3 working with the Nuclear Regulatory Commission on the NRC-EPA
4 Interface Council along with Floyd Galpin and some others from
5 EPA. I think that what the purpose of that interface has
6 achieved is that there are no bombs sitting out there that
7 nobody knows about. Every issue is kind of disclosed among our
8 agencies at a fairly early point.

9 I think it's facilitated, this kind of agreeing on
10 things in the process before positions get entrenched and
11 disagreements start to emerge. I think the last year has
12 indicated a very clear way of exchanging information quite
13 early in the process even sometimes before any direct
14 regulatory actions.

15 COMMISSIONER ZECH: So from EPA's standpoint, you
16 would agree that progress is being made.

17 MR. MACRIS: Absolutely.

18 COMMISSIONER ZECH: Thank you very much.

19 COMMISSIONER ROGERS: Just how do you stand on the
20 conceptual design difference?

21 MR. BERNERO: We have put out joint guidance which is
22 we believe in sufficient detail so that a site developer, you
23 know, some company developing a design for a site, would have a
24 clear idea of how or what alternatives might satisfy both
25 requirements, both sets of requirements.

1 We think the guidance is clear. We think the
2 guidance is sufficient. It's out there now jointly promulgated
3 with EPA but as I say, the proof of the pudding is in the
4 doing. When we see a couple of sites that have looked through
5 that guidance, that have developed it and do have their
6 licenses and permits and are operating. I'll feel a lot more
7 confident of them -- of the situation.

8 COMMISSIONER ZECH: All right. Let's proceed.

9 MR. BERNERO: Now if we turn to slide number
10 fourteen, we'll go through a completely other example area of
11 interaction. This is the EPA high-level waste standard. In
12 other words, the environmental standard for control of the
13 release of radioactivity from a high-level waste repository.

14 [Slide.]

15 The EPA promulgated that standard in 1985 but it was
16 remanded by the courts in 1987. This is very important to us
17 because this standard is a basis for our regulation, part 60,
18 and it is also thereby the basis for the whole DOE repository
19 program in the high-level waste repository, you know, the Yucca
20 Mountain development.

21 To an extensive degree, it is the technical basis for
22 the DOE's program at WIPP, the Waste Isolation Pilot Program.
23 Now, from a legal point of view, as you know, the NRC has no
24 direct involvement with WIPP. We don't regulate that. We
25 don't review it. The legal basis or legal applicability of the

1 EPA standard to WIPP is certainly questionable but DOE is
2 acting on the basis that that standard or its equivalent is the
3 appropriate standard of acceptability for the development of
4 that repository.

5 [Slide.[]

6 Now if you turn to slide fifteen, we saw when the
7 standard was remanded that there would be some change
8 obviously, in it and EPA is working on that change. They have
9 a timetable of approximately three years to revise the standard
10 and revisit it. The issues are principally as indicated here,
11 involving consistency with the Safe Drinking Water Act and
12 technically is a repository a deep well injection or how do you
13 reconcile that.

14 We suspended our rulemaking. We had a rulemaking in
15 progress where we were going to fully conform with the EPA
16 high-level standard. For instance, there's a table of
17 radionuclides and their release limits. We were going to
18 incorporate that table in our own standard -- in our own part
19 60.

20 We have suspended our rulemaking pending the
21 resolution of the EPA standard. However, we have a planning
22 assumption that is very important. We told you of this before
23 in the high-level waste briefings. We're confident that the
24 changes to the EPA standard will not overturn the fundamental
25 thrust and content of the repository program and that's an

1 important planning assumption.

2 We think it's a good one.

3 COMMISSIONER ZECH: Will EPA agree with that
4 assumption too?

5 MR. GALPIN: Yes.

6 COMMISSIONER ZECH: Could you come to the microphone
7 and identify yourself for the reporter? Thank you very much.

8 MR. GALPIN: Lloyd Galpin from the Office of
9 Radiation Programs, EPA. I think Mr. Bernaro's assumption is
10 correct. The measures by which the court determined that they
11 had to remand the standard are ones that we think we can handle
12 without changing the basic thrust of the standard and therefore
13 they can report and we've also told this to DOE relative to
14 their actions.

15 COMMISSIONER ZECH: Thank you very much. We
16 appreciate it. Let's proceed.

17 MR. BERNERO: With that -- it's an area of attention,
18 an area of strong interest but with we think appropriate
19 caution, we're optimistic that that won't turn around and bite
20 us.

21 COMMISSIONER CARR: That was three years from what
22 date you said that?

23 MR. BERNERO: Well, roughly three years from 1988.
24 It would be about 1991 and that's still well in advance. In
25 the waste briefing of a month. In May. I think it was May or

1 early June. There was a parallel schedule that showed the
2 repository nominal schedule and the EPA standard. Given that
3 planning assumption, that it is not going to turn around to
4 some wholly different form or content or standard, it's timely.
5 We can live with it.

6 COMMISSIONER ZECH: All right. Let's proceed.

7 [Slide.]

8 MR. BERNERO: If we turn to slide sixteen we get to a
9 subject that is quite complex and the source of not a little
10 bit of controversy from time to time -- uranium mill tailings
11 issues. Now uranium mill tailings issues are divided into two
12 basic or broad categories -- inactive sites and active sites.

13 The term doesn't apply to whether or not they're
14 doing milling on the site. It applies to whether it's a
15 licensed facility or not. The inactive sites are the very old
16 ones, some dating back even before there was an Atomic Energy
17 Commission, NRC. The active sites are the licensed ones. In
18 the inactive site arena -- you had a briefing on this program
19 from Mr. Baublitz of the Department of Energy in June, early
20 June, June 3.

21 The EPA issued the standards for that in 1983. Their
22 groundwater standards were remanded in 1985 but repropose and
23 the way the law is written, DOE must comply with the proposed
24 standards so when I say there "DOE must comply" DOE is the
25 agent to implement remedial actions at these inactive sites.

1 They must comply with the proposed standards and NRC reviews
2 and concurs.

3 EPA doesn't have a a site-specific role here. You
4 know, they don't do site-specific concurrence. As was
5 mentioned in the briefing of June 3, cost and schedule impacts
6 are big. This is a very costly program. We're approaching \$2
7 billion for the remedial action program on these inactive
8 sites.

9 [Slide.]

10 If you turn to slide seventeen we're talking about
11 the active sites and this is in essence all the licensed mills
12 whether agreements state or NRC licensed. Few of them are in
13 production now. In fact I think that's a misnomer. I don't
14 think more than one is in production right now. They're very,
15 very inactive in this country due to foreign competition and
16 the decreased demand for uranium.

17 EPA issued standards for these in 1983 and NRC in its
18 regulations is required to conform to the standards and that's
19 been done. We conformed the nongroundwater standards in 1985
20 and the groundwater standards in 1987.

21 Now that 1987 rulemaking you may recall that was a
22 very extensive one. It was late 1987 and you voted on it not
23 so long ago. Both those rulemakings are complete. They
24 incorporate the conditions that were legally imposed. They
25 leave now an area which we call discretionary conformance.

1 That's what I say about the next line there. EPA would like us
2 to go beyond that and conform in other areas beyond legally
3 required constraints and we look at that and from time to time,
4 we think it might be useful if we had that but that's resource-
5 intensive work.

6 To some extent, whether or not we go in that
7 direction depends on the state or the destiny of the uranium
8 milling industry. Think for a moment about this and newness or
9 continuation is not a new license or a new mill. It would be
10 new impoundments. So if there are to be few if any new
11 impoundments, the whole thing is a retrospective, a backfit, or
12 a retrospective evaluation and there's little benefit to go on
13 into further resource expenditure for rulemaking.

14 If on the other hand the uranium milling activity
15 were to resurge in the United States and we would have many new
16 impoundments, then there might be some merit in pursuing this
17 kind of further rulemaking.

18 COMMISSIONER ZECH: Would EPA care to comment on
19 that?

20 MR. MACRIS: Floyd, do you want to comment on that?

21 MR. GALPIN: Probably in the area of the uranium mill
22 tailings we've had more discussions than in any area, more
23 difficulties here than others. The problem in the matter is
24 some very convoluted wording in the act which talks about the
25 necessity of uranium mill tailings, radiation standards and EPA

1 it is sort of like a double negative -- to be not inconsistent
2 with the resource conservation and control act.

3 There are some difference I believe in just what that
4 may mean in terms of to what extent one handles things like
5 selecting alternate concentration levels for a specific site.

6 Certainly our RCRA people are much involved in this
7 as is the Office of Radiation Programs somewhat in the middle.
8 I don't think we feel that we've seen the bottom line on either
9 side of the issue as yet but I do feel very much that the two
10 offices are working at it.

11 COMMISSIONER ZECH: They're working to resolve the
12 issue. All right. Thank you very much. You may proceed Bob.

13 MR. BERNERO: The last item here of EPA's desire for
14 site-specific concurrence on alternate concentration limits,
15 that was written out of that 1987 rulemaking that you approved
16 not long ago. However, the NRC methodology for alternate
17 concentration limits is out for comment now and we are working
18 with EPA in the hope that we can satisfy them that that
19 methodology suffices. That there is no need for them to
20 continue pursuit of site-specific concurrence.

21 COMMISSIONER ZECH: You're still working on that
22 issue too, then.

23 MR. BERNERO: That's still working.

24 COMMISSIONER ZECH: All right. Thank you.

25 [Slide.]

1 MR. BERNERO: If I could turn to number eighteen, I'd
2 like to take a few subjects still. The Superfund or CERCLA --
3 we have overlapping problems here and there's a very timely
4 thing -- I believe just a few days ago you received a
5 Commission paper on the memorandum of understanding between the
6 NRC -- well actually, it's a region-region understanding -- the
7 EPA region and our folks -- on the Church Rock Uranium Mill.
8 It's one of these cases where because the site was put on the
9 national priorities list, we have dual jurisdiction explicitly
10 present.

11 The Superfund list or national priorities list, EPA
12 has very strict control. Once a site is on that list, it can't
13 be waived off. It's very difficult to get a site off of it
14 short of doing the remedial action -- whatever is appropriate.

15 They do have a policy which avoids undue dual
16 regulation. The EPA policy is that if a site is regulated by
17 the NRC they won't put it on their national priorities list
18 because it's already under surveillance or control.

19 This particular site was turned over as part of an
20 agreement state program to the State of New Mexico and when the
21 uranium industry had its difficulties, the agreement state
22 program in New Mexico had its difficulties and this site was
23 put onto the Superfund list. There was a request made. It was
24 one of two sites that were put on at that time.

25 So what we have here we think is an effective

1 memorandum of understanding that can resolve this. It is
2 certainly not a precedent for putting sites on the Superfund
3 list so we can negotiate MOUs to get them off. I mean we don't
4 want to do that. EPA doesn't want to do that. What we're
5 trying to do here is to resolve a fact of historic
6 circumstances -- something that actually happened.

7 You might say it's a precedent for how to get out of
8 this bag but the important thing is we don't want to get into
9 this bag in the first place and EPA continues with their policy
10 of not putting our sites on their Superfund list.

11 COMMISSIONER ZECH: We've just gotten that paper a
12 few days ago.

13 MR. BERNERO: Yes, I just took the opportunity to tie
14 to it and --

15 COMMISSIONER ZECH: We've got to review it and
16 consider it which I'm sure my colleagues will be doing when
17 they can. We have just received that paper. Thank you.

18 MR. BERNERO: We won't plead for a vote at this
19 session.

20 [Laughter.]

21 [Slide.]

22 MR. BERNERO: If I could turn to slide number
23 nineteen there's a subject I know is dear to your hearts,
24 residual radioactivity. We have a good deal of interaction
25 with EPA here. Basically EPA with the responsibility for

1 setting generic environmental standards for radioactive
2 materials interacts with us and is involved with us whenever we
3 look at something like decommissioning of nuclear facilities
4 where we would say, "that's clean enough to walk away from," or
5 "that's clean enough to send to a scrap yard for scrap
6 recovery," or something like that.

7 Their actions and their timetables which, just like
8 ours, are resource constrained, don't meet our needs. So right
9 now as I'm sure you're aware from the other briefings on this
10 subject, we're sort of running out ahead and trying to get
11 things done and get things into place and once again, we're
12 relying on communication with the EPA to make sure that we can
13 keep an open dialogue on it as we propose things that are
14 certainly redundant or congruent with their jurisdiction.

15 We have the decommissioning rules which you approved
16 not long ago and we're in the implementation process on them.
17 We have the policy statement on below regulatory concern. That
18 work is going on. We'll be back before you discussing that
19 very shortly. We have a proposed international conference
20 coming up in early autumn.

21 In all of this activity, we're trying to keep very
22 open channels of communication with EPA in the hope that we
23 won't be sewing the seeds of later controversy with what we're
24 doing. We're pushing very hard on this and it is an area of
25 substantial overlap between us and the EPA.

1 COMMISSIONER ZECH: I'd just like to emphasize in the
2 below regulatory concern issue I appreciate your emphasizing
3 that you are coordinating with EPA. I think the Commission
4 will be very interested to hear if EPA has any concern in that
5 area so I just emphasize that -- ask you to continue
6 coordinating with EPA on that issue.

7 MR. BERNERO: We will do so.

8 COMMISSIONER CARR: What's your timetable for
9 solution of that particular problem of residual radioactivity
10 limits? You think you and EPA -- are you working towards some
11 --

12 MR. BERNERO: We don't have a clear timetable over
13 the necessary period of I would estimate three to four years.
14 Something of that order. In order to get at least prototypical
15 standards down for some key things. There are activities going
16 on that suggest that we'll be able to draw a timetable up, that
17 is, between EPA and the NRC by something like next year.

18 EPA has taken certain initiatives with CIRRPC, you
19 remember the coordinating body on radiation standards, where
20 certain residual activity in soils, things like plutonium in
21 soil, and that sort of stuff, are being examined. Its guidance
22 or tentative standards that EPA had developed in past years and
23 they're being brought up for a more rigorous evaluation and
24 I'll say a more formal adoption.

25 We're at the same time doing what we're doing. I

1 would say that both the philosophy of setting those standards
2 and the formal setting of at least prototypical standards is
3 feasible within several years but it's not on anyone's
4 timetable that I know of -- not any master plan.

5 COMMISSIONER CARR: Are we waiting for
6 decisionmakers? Are we waiting for research? I don't
7 understand why it takes so long.

8 MR. STELLO: We are going to propose to the
9 Commission some specific policy and numbers for the Commission
10 to make a decision to adopt on behalf of NRC at this meeting
11 coming up. So we'll have something on the table and perhaps
12 that can cause things to move faster.

13 COMMISSIONER CARR: Well, I guess what I'm really
14 saying is that if you need help in raising it on EPA's priority
15 list maybe we need to see if we can help.

16 MR. BERNERO: We will consider that. I would say it
17 is decision making more than research that is needed.

18 COMMISSIONER CARR: It should be a solvable problem.

19 MR. BERNERO: Yes.

20 CHAIRMAN ZECH: We need the facts to go with it, of
21 course. We appreciate the fact that you are working on that
22 problem. Let's keep it up near the top of your list so that if
23 the facts are in and if you are just waiting for a decision, we
24 will be given the opportunity to make that decision.

25 MR. STELLO: Yes, sir.

1 CHAIRMAN ZECH: All right.

2 MR. BERNERO: I think what we are doing now in the
3 coming months with the BRC policy statement with the Commission
4 will be a very useful vehicle to illustrate this and to be a
5 vehicle to go out exhorting EPA as appropriate.

6 CHAIRMAN ZECH: Yes, it sounds like it will. Let's
7 proceed.

8 [Slide.]

9 MR. BERNERO: Let me turn to slide 20. You have
10 heard mentioned earlier the EPA/NRC Interface Council,
11 recognizing the value of such regular interaction, the two
12 agencies started in April 1986 to have informal structured
13 meetings. This thing sort of grew like topsy and we saw the
14 benefit of it and recently chose to formalize it. This is not
15 a memorandum of understanding of individual regulation. It
16 doesn't have that standing.

17 It is a procedural agreement. In simple terms, it is
18 an agreement to maintain open lines of communication so that we
19 don't have ticking bombs on the shelf and nobody is aware of
20 them, that there is no communication.

21 We work with as NMSS has the larger part of our
22 interaction, I serve as the sort of principal management
23 representative to make sure our people, all NRC people
24 affected, NRR, Research, the general counsel and so forth, I
25 coordinated our need to make sure the appropriate players are

1 there and Mr. Macris who is with the Office of Solid Waste and
2 Emergency Response generally tends to serve the same role over
3 in EPA.

4 What we have is a regular series of meetings on the
5 order of once a quarter and we work up an agenda to make sure
6 that items of regulatory interest which overlap, interact or
7 contradict, if that be the case, are brought to the appropriate
8 attention and this serves to make sure there is an open line of
9 communication to resolve issues.

10 It has been very successful. Mr. Stello has signed
11 the formal version for us. The EPA has it. It is in their
12 final chain. I expect to be notified shortly that it will be
13 signed. We will have one more step facilitating this
14 interaction with EPA and keep things going smoothly.

15 [Slide.]

16 MR. BERNERO: CIRRPC, I'm the alternate NRC
17 representative to that body and I can never remember what
18 CIRRPC stands for. This is out of the President's office of
19 Science and Technology. EPA, because of their statutory
20 charter, has a major role in that. They are a representative
21 on the CIRRPC Executive Committee as well as the Full
22 Committee.

23 Under that charter, there is a good deal of
24 interaction where it serves our interest of simplifying or
25 smoothing things with EPA. It is another forum, perhaps not as

1 day to day pragmatic as the Interface Council, but it is a very
2 useful forum for us, too, in dealing with EPA on matters of
3 common interest.

4 [Slide.]

5 MR. BERNERO: Just to summarize what we see before
6 us, we have two regulatory agencies. The EPA I think it can be
7 fairly said has a more complex and more prescriptive statutory
8 mandate than NRC has. If you look at their mission, radiation
9 safety is only a part, a rather minor part of their overall
10 mission. It is the essential part of ours.

11 There is a certain asymmetry that you see but
12 recognizing that we each have our statutory responsibilities
13 and a need to satisfy them, the NRC and the EPA are working on
14 these issues one at a time, methodically and persistently. I
15 think the Commission can expect continued attention to these
16 interagency actions. It is not going to go away. The
17 interface is complex. It will remain complex. You can expect
18 further attention but it appears to us and the staff that the
19 problem is being worked appropriately.

20 This is not to say that we won't perhaps identify
21 some really grave policy difference or something like that,
22 that on its own merits in that own specific instance, might
23 call for Commission attention, Commission dialogue with EPA.

24 In the meanwhile, given the broad range of issues we
25 have to work with, we think the interface with EPA on

1 radiological matters is working rather well and we hope to keep
2 this up.

3 CHAIRMAN ZECH: Thank you very much.

4 MR. STELLO: We are through, Mr. Chairman.

5 CHAIRMAN ZECH: Questions from my fellow
6 Commissioners? Commissioner Roberts?

7 COMMISSIONER ROBERTS: CIRRPC, when was that
8 established?

9 MR. BERNERO: It is the old Federal Radiation Council
10 and I think it must be getting on five or six years old. I
11 stand to be corrected.

12 MR. MACRIS: Early 1980's.

13 MR. BERNERO: It is in this Administration.

14 CHAIRMAN ZECH: Commissioner Carr?

15 COMMISSIONER CARR: In the area of mixed waste, I
16 understand there are two requirements for applying for a
17 permit, one for a permit and one for a license and we were
18 going to work together to see if we couldn't get one permit to
19 meet both requirements. How are we doing on that? One request
20 to satisfy both our requirements.

21 MR. BERNERO: I should have introduced the staff at
22 the table because they are very important in this program. Mal
23 Knapp from the Division of Low Level Waste and Decommissioning.
24 Mike Bell and Kitty Dragonette on my right.

25 Mal, could you please answer that?

1 MR. KNAPP: Surely. At this point, after looking at
2 that concept with some care, we are not pushing it real hard.
3 There are two reasons. First, to develop that kind of guidance
4 at this time would appear to be quite resource intensive. We
5 could be talking about several FTE. When we balance this
6 against our current perception of the needed guidance, based on
7 the number of states that are developing low level waste
8 disposal facilities that are likely to deal with mixed waste
9 and that are regulated directly by the NRC and by EPA, our
10 current information is there will only be one.

11 The sort of procedural guidance that we would provide
12 would not be particularly useful as we perceive at this time to
13 the states that are working as either NRC agreement states or
14 EPA authorized states or both because they have internal
15 procedures they must work out.

16 What we have done instead is to emphasize giving
17 attention to those specific states and provide help as much as
18 we can. An example of that is what we have done in the State
19 of Washington, where the firm, U.S. Ecology, that has a low
20 level waste disposal site, is quite interested in pursuing a
21 mixed waste application. We have worked with both the State of
22 Washington and EPA Headquarters and the Region, as well as U.S.
23 Ecology to provide any assistance we could. We have met with
24 them both here and in the State of Washington to see what we
25 could do to expedite that.

1 That is where we are at this time. If we perceive
2 that as development of new low level waste facilities goes
3 ahead, more generic guidance would be useful, then I would be
4 inclined to move and put more resources into it.

5 COMMISSIONER CARR: Give me a couple of words on NARM
6 disposal, that EPA and us could find a way to get rid of NARM
7 at low level waste sites. Are we working on that problem? If
8 so, what is the prognosis?

9 MR. BERNERO: I think we are working that problem. I
10 will defer to the General Counsel.

11 MR. PARLER: He was looking at me. I give the legal
12 memorandum and the legal memorandum indicated that it could
13 work that way but it was in this agency's discretion to say no
14 if allowing the mixture would present from our standpoint a
15 regulatory problem. You have the discretion to proceed and
16 whether or not you will proceed is not within my bailiwick.

17 COMMISSIONER CARR: That's my question.

18 MR. BERNERO: We have just read the General Counsel's
19 memorandum on the subject and are discussing it within staff.
20 It appears to us that it is a logical solution. The
21 classification of NARM waste is technically consistent in
22 virtually every particular with our classification. The
23 technical findings, we are not dealing with incompatible safety
24 matters. We think that the system proposed in the EPA proposal
25 is manageable and doable. I'm not sure whether we are going to

1 send a paper up to you or what, how to elicit your endorsement
2 of it, but on the surface of it so far, it appears workable to
3 us.

4 COMMISSIONER CARR: Thank you.

5 CHAIRMAN ZECH: Commissioner Rogers?

6 COMMISSIONER ROGERS: No additional questions.

7 CHAIRMAN ZECH: Do our EPA representatives have any
8 other comments they would like to make?

9 MR. GALPIN: Let me just make a couple, one a
10 historic piece. Mixed waste indeed has been a difficult one
11 for both agencies. I just wanted to point out that in official
12 congressional testimony, both agencies did ask the Congress to
13 try to avoid this duplication. At that time, and I will speak
14 from my impression, it was our impression that the opening up
15 of the Low Level Radioactive Waste Policy Act was such a scary
16 thing for various members of Congress to do for fear of what
17 might drop out of that, that they said, hey, can't you agencies
18 at least now go back and work out something to make this work
19 so we don't have to open up this can of worms in a legislative
20 format.

21 Both agencies were together in asking the Congress to
22 see if they could not resolve that.

23 The other thing I would just mention is in the area
24 of --

25 CHAIRMAN ZECH: Before you go on, do you think we are

1 working together to resolve that?

2 MR. GALPIN: Very much so. It is tedious at times.

3 CHAIRMAN ZECH: Yes. I understand.

4 COMMISSIONER ROBERTS: That is an understatement.

5 MR. GALPIN: The other thing I would comment on is in
6 the area of below regulatory concern and this is just to
7 emphasize what I feel has been a very close working
8 relationship in the context of the low level radioactivity
9 disposal rules that EPA is just about to send to OMB.

10 We do have a consideration and a value set in terms
11 of an exposure for a below regulatory concern for that specific
12 practice of low level radioactive waste disposal. This does
13 not represent a value that could be used in the decommissioning
14 in our view. It is specific for that.

15 I will say that the staff at NRC has worked very
16 closely with us in looking at that. We are still talking about
17 the implementation of it which is basically NRC's role. There
18 has been a very close working relationship.

19 COMMISSIONER CARR: That number would say what had to
20 be sent to a disposal site as opposed to what didn't have to
21 be?

22 MR. GALPIN: That is right. The number that is being
23 used in the draft paper is four millirem per year as an
24 exposure limit for any below regulatory concern. In an
25 implementation mode, it could be interpreted in terms of

1 concentrations of various materials and utilized as something
2 to say what had to be regulated disposal for the radioactivity
3 and what did not.

4 CHAIRMAN ZECH: All right. Thank you very much.

5 Let me thank the staff, Mr. Bernero and your
6 colleagues, as well as our representatives from EPA, for a very
7 informative briefing.

8 I think it is important that the Commission be kept
9 informed on the current status of the issues that are being
10 worked between EPA and our staff. As we have heard today and
11 as we are well aware, there is a significant relationship
12 between our two agencies and it is important that we continue
13 this close working relationship to resolve these issues.

14 I would ask the staff to continue to work in these
15 areas we have discussed with EPA and we want to avoid if we can
16 requesting legislative fixes to these problems as long as we
17 can resolve them ourselves. I am pleased to hear and I know my
18 colleagues are, too, that is the effort you are pursuing.

19 I think it is important that we work closely with DOE
20 as well as our two agencies in many areas, especially the
21 reclamation of the mill tailing sites and also in the area of
22 high level waste to ensure there is consistency in our
23 regulations in all our agencies.

24 Also I think it is important that we continue to
25 review the legislative schedules that have been placed on our

1 agencies as well as DOE so that we are all trying to work
2 together to resolve whatever standards or issues that may be
3 raised in order to meet those legislative schedules.

4 With that, I thank again the staff for an excellent
5 presentation and our EPA representatives for being with us. We
6 would encourage you to continue this close working relationship
7 that obviously is producing results that we all want to see and
8 we would encourage you to continue the strong staff
9 relationship you have and again including the DOE people in the
10 areas of their responsibility.

11 With that, we stand adjourned. Thank you very much.

12 [Whereupon, at 11:00 a.m., the briefing was
13 concluded.]

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CERTIFICATE OF TRANSCRIBER

This is to certify that the attached events
of a meeting of the U.S. Nuclear Regulatory Commission
entitled:

TITLE OF MEETING: BRIEFING ON MATTERS OF COMMON INTEREST BETWEEN
NRC AND EPA ON THE REGULATION OF RADIOLOGICAL HAZARDS
PLACE OF MEETING: Washington, D.C.

DATE OF MEETING: FRIDAY, JULY 15, 1988

were transcribed by me. I further certify that said
transcription is accurate and complete, to the best
of my ability, and that the transcript is a true and
accurate record of the foregoing events.

Marilynn Kato

Ann Riley & Associates, Ltd.

NUCLEAR REGULATORY COMMISSION
and
ENVIRONMENTAL PROTECTION AGENCY
INTERACTIONS ON RADIOLOGICAL ISSUES

ROBERT BERNERO
NMSS
JULY 15, 1988

**COMPLEX INTERACTIONS WITH
ANOTHER FEDERAL AGENCY**

EPA AND NRC MISSIONS

AREAS OF EPA/NRC INTERACTION

EXAMPLES OF REGULATORY INTERACTION

EPA MISSION

IMPLEMENT THE FEDERAL LAWS DESIGNED TO
PROTECT THE ENVIRONMENT
(i.e., THE AIR, GROUND AND
SURFACE WATER, AND LAND)
FOR EXAMPLE, RESTORE AND MAINTAIN THE
"CHEMICAL, PHYSICAL, AND BIOLOGICAL
INTEGRITY OF THE NATION'S WATER"
UNDER THE CLEAN WATER ACT

NRC MISSION

PROTECT THE PUBLIC HEALTH AND SAFETY
AND THE ENVIRONMENT THROUGH REGULATION
OF THE RECEIPT, POSSESSION, USE
AND DISPOSAL OF BYPRODUCT, SOURCE, AND
SPECIAL NUCLEAR MATERIALS AND
SAFEGUARDING NUCLEAR MATERIALS IN THE
INTEREST OF NATIONAL SECURITY

EPA MAJOR STATUTES

ATOMIC ENERGY ACT
(REORGANIZATION ACT #3 OF 1970)
CLEAN AIR ACT, CLEAN WATER ACT
SAFE DRINKING WATER ACT,
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT
(SUPERFUND), RESOURCE CONSERVATION AND
RECOVERY ACT, FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT,

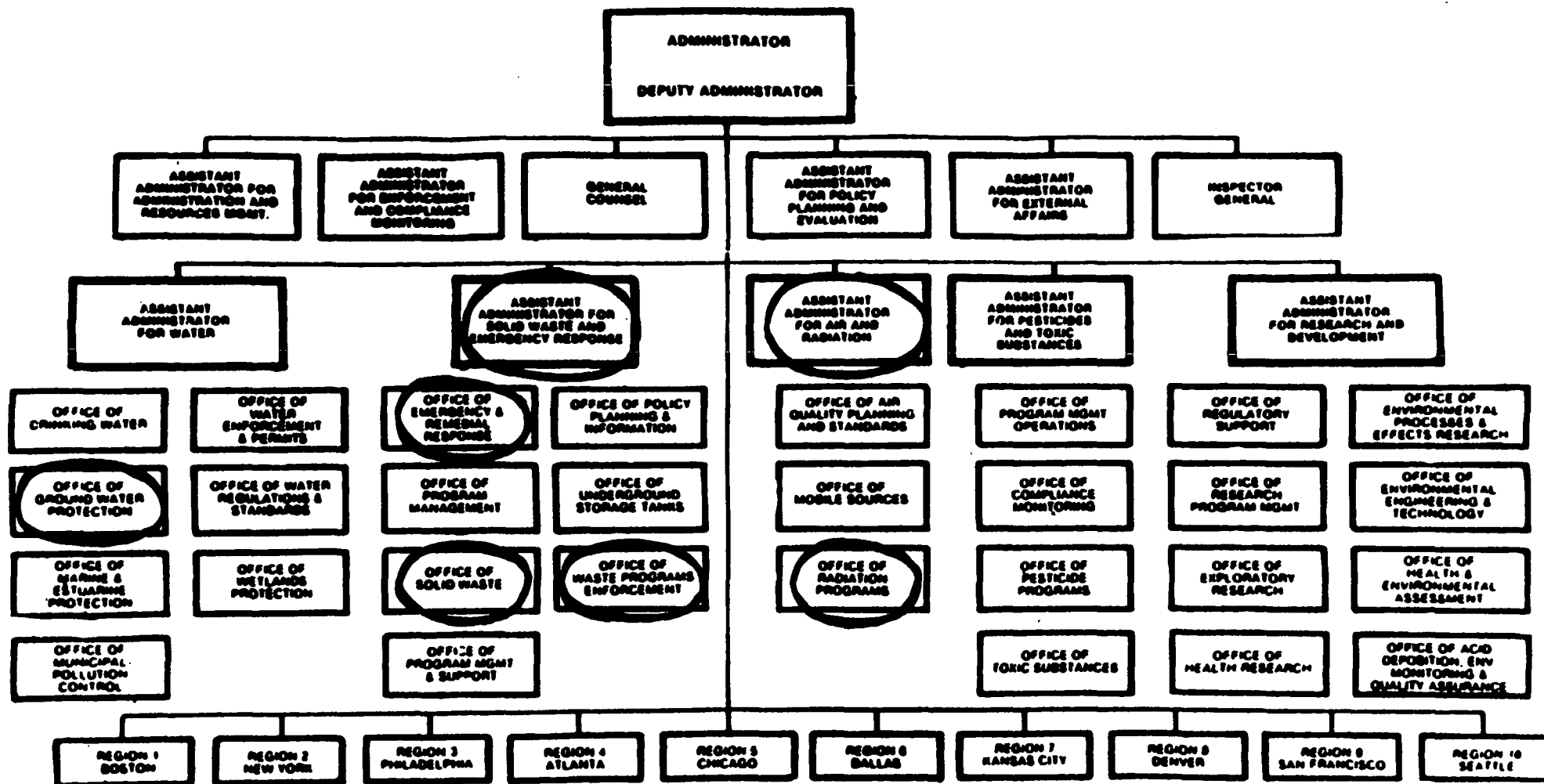
EPA MAJOR STATUTES CONT'D

TOXIC SUBSTANCES CONTROL ACT, MARINE
PROTECTION, RESEARCH, AND SANCTUARIES ACT
AND URANIUM MILL TAILING RADIATION
CONTROL ACT;
EMERGENCY PLANNING AND COMMUNITY
RIGHT TO KNOW ACT
OF 1986

NRC MAJOR STATUTES

ATOMIC ENERGY ACT
AND ENERGY REORGANIZATION ACT, NATIONAL
ENVIRONMENTAL POLICY ACT, NUCLEAR
WASTE POLICY ACT OF 1982 AND 1987, LOW-
LEVEL RADIOACTIVE WASTE POLICY
AMENDMENTS ACT, URANIUM MILL TAILINGS
RADIATION CONTROL ACT

EPA ORGANIZATION



AREAS OF NRC/EPA INTERACTION
STANDARDS, REGULATIONS, AND GUIDANCE
PRESIDENTIAL GUIDANCE
LICENSING/PERMITTING AND OPERATIONS

ACRONYM KEY

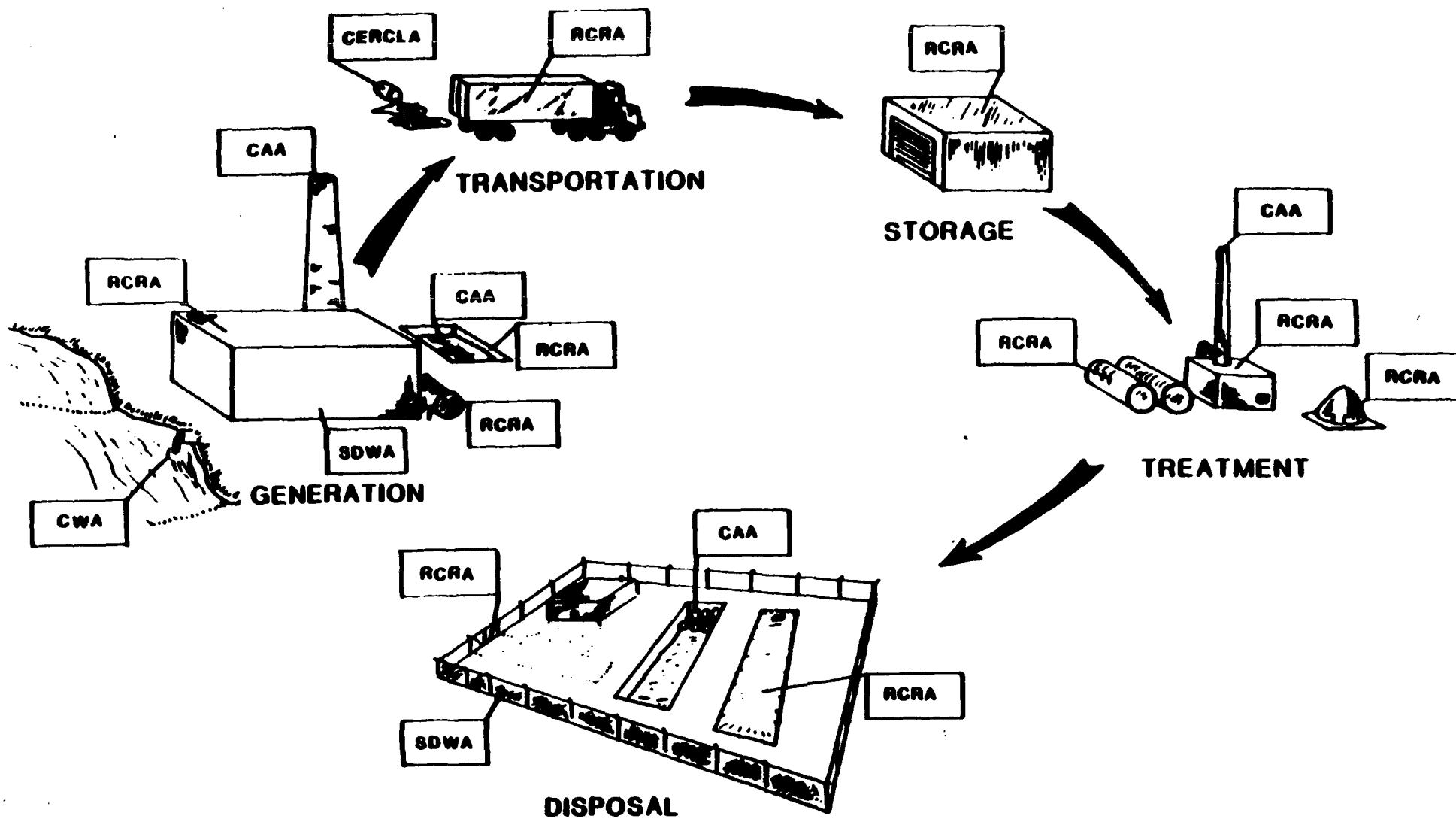
RCRA - RESOURCE CONSERVATION AND
RECOVERY ACT

CWA - CLEAN WATER ACT

CAA - CLEAN AIR ACT

CERCLA - COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND
LIABILITY ACT (SUPERFUND)

SDWA - SAFE DRINKING WATER ACT



EPA PROGRAMS AND MIXED LOW-LEVEL WASTE

MIXED WASTE -
MAJOR ISSUES INITIALLY IDENTIFIED

NEED FOR CLEAR DEFINITION OF
"MIXED WASTE" TO LIMIT THE WASTE SUBJECT
TO DUAL REGULATION

STATE SITE-DEVELOPMENT MILESTONES
INCONSISTENT WITH EPA TIMETABLES FOR
DEVELOPING LOCATION STANDARDS

EPA LINER TECHNOLOGY DESIGN STANDARDS
APPEARED TO CONFLICT WITH NRC'S
10 CFR PART 61

MIXED WASTE PROGRESS TO DATE

NRC/EPA JOINT GUIDANCE FOR COMPLYING
WITH BOTH EPA AND NRC REQUIREMENTS ISSUED
FOR: DEFINITION OF MIXED WASTE,
SITING GUIDELINES, AND
CONCEPTUAL DESIGN

INFORMATION NOTICE TO NRC LICENSEES ON
MINIMIZING MIXED WASTE GENERATION

COMPACTS AND MOST STATES MET JANUARY 1988
SITE DEVELOPMENT MILESTONE

EPA HIGH-LEVEL WASTE STANDARD

STANDARD WAS PROMULGATED ON
SEPTEMBER 19, 1985

BUT

REMANDED BY THE COURTS ON
JULY 17, 1987

STANDARD SET THE OVERALL ENVIRONMENTAL
RADIATION PROTECTION STANDARD
THAT THE HLW REPOSITORY
MUST MEET

EPA HIGH-LEVEL WASTE STANDARD (CONT'D)

NRC HAD PROPOSED TO REVISE ITS RULES
TO CONFORM TO THE EPA STANDARD,
BUT RULEMAKING WAS SUSPENDED WHEN
EPA'S STANDARD WAS REMANDED

ISSUES INVOLVED IN REMANDING THE STANDARD
INVOLVE CONSISTENCY WITH EPA'S
SAFE DRINKING WATER ACT AND
DEEP WELL INJECTION STANDARDS AND LENGTH
OF TIME AFTER DISPOSAL
FOR APPLICATION OF THE STANDARDS

URANIUM MILL TAILINGS ISSUES

INACTIVE SITES

EPA ISSUED STANDARDS 1983

GROUNDWATER STANDARDS REMANDED 1985
REPROPOSED 1987

DOE MUST COMPLY, NRC CONCURS

LARGE COST AND SCHEDULE IMPACTS LIKELY

EPA HAS NO SITE-SPECIFIC CONCURRENCE

URANIUM MILL TAILINGS ISSUES (CTD)

ACTIVE SITES

EPA ISSUED STANDARDS IN 1983

NRC REQUIRED TO CONFORM
CONFORMED NON-GROUNDWATER IN 1985
CONFORMED GROUNDWATER IN 1987

EPA WANTS NRC DISCRETIONARY CONFORMANCE

EPA WANTS SITE-SPECIFIC CONCURRENCE ON
ALTERNATE CONCENTRATION LIMITS

SUPERFUND

OVERLAPPING NRC/EPA GROUND-WATER PROGRAMS
FOR CHURCH ROCK URANIUM MILL
(SECY-88-197)
MEMORANDUM OF UNDERSTANDING NEGOTIATED
AGREEMENT TO IMPLEMENT
10 CFR PART 40 ONSITE

ALL LICENSEES SUBJECT TO
COVERAGE BUT NRC LICENSEES NOT ON NPL
AS MATTER OF POLICY

REPORTABLE QUANTITIES RULEMAKING

RESIDUAL RADIOACTIVITY

EPA ACTIONS AND TIMETABLES DON'T MEET
NRC NEEDS
NO RESOURCES

DECOMMISSIONING RULE IMPLEMENTATION

COMMISSION DIRECTED POLICY DEVELOPMENT
FOR GENERIC BELOW REGULATORY CONCERN AND
INTERIM DECOMMISSIONING

EPA/NRC INTERFACE COUNCIL

ESTABLISHED IN APRIL 1986

PURPOSE IS INFORMAL CONSULTATION AND
INFORMATION EXCHANGE AND
CENTRALIZED COORDINATION ON ISSUES OF
MUTUAL INTEREST

NMSS LEAD BUT ALL KEY NRC OFFICES
REPRESENTED (i.e., NRR, RES, OGC,
GPA, AND AEOD)

COMMITTEE ON INTERAGENCY RADIATION
RESEARCH AND POLICY COORDINATION
(CIRRPC)

PART OF THE PRESIDENT'S OFFICE OF
SCIENCE AND TECHNOLOGY

CHARTER INCLUDES COORDINATING RADIATION
ISSUES, AND PRIORITIZING FEDERAL RADIATION
RESEARCH AND OTHER EFFORTS

SUMMARY - CONCLUSIONS

EPA HAS MORE COMPLEX AND MORE
PRESCRIPTIVE STATUTORY
MANDATES THAN NRC

RADIATION SAFETY IS A MINOR PART
OF EPA'S MISSION BUT AN
ESSENTIAL PART OF NRC'S

THE NRC CAN EXPECT CONTINUED ATTENTION
TO INTERAGENCY ACTIONS
WILL BE NECESSARY