

September 8, 2004

Dr. Diane Henshel  
Associate Professor, Indiana University  
1315 E 10<sup>th</sup> #340  
Bloomington, IN 47405

SUBJECT: RESPONSE TO LETTER REQUESTING THAT EPA AND NRC AMEND THEIR  
CURRENT MEMORANDUM OF UNDERSTANDING

Dear Dr. Henshel:

I am responding to your letter dated July 30, 2004, in which you request that EPA and NRC amend their current Memorandum of Understanding (MOU) with regard to uranium and other radiological elements that have toxicological as well as radiological bioactive properties. Specifically, you wish to obtain clarification of the regulatory oversight situation for the decommissioning of Jefferson Proving Ground (JPG). You state: "We believe that once the EPA and NRC have clearly declared that EPA and the state agencies have oversight over all non-radiological aspects of environmental depleted uranium, more effort will be made to develop guidance to address what is now becoming a more common situation: chronic, low dose civilian exposure to DU and other less radiologically potent radioactive heavy metals. A new or revised MOU between EPA and NRC will thus help all affected citizens' groups, will help clarify the regulatory oversight situation, and may help the EPA and state agencies realize that they must develop more extensive guidance for DU (and other radionuclides) based on their heavy metal-based toxicological potential."

We feel that the current MOU adequately addresses the roles of both NRC and EPA. The MOU states: "For NRC-licensed sites at which NRC determines during the license termination process that there is radioactive ground-water contamination in excess of EPA's MCLs, or for which NRC contemplates either restricted release (10 CFR 20.1403) or the use of alternate criteria for license termination (10 CFR 20.1404), NRC will seek EPA's expertise to assist in NRC's review of a decommissioning or license termination plan. With respect to all such sites, the NRC will consult with EPA on the application of the NRC decommissioning requirements and will take such action as the NRC determines to be appropriate based on its consultation with EPA." Note that MCL in this quote stands for Maximum Contaminate Level.

In the case of JPG, the Army has proposed to decommission with restricted release which is one of the "consultation triggers" of the MOU. In addition to discussing the radiological significance of the proposed restricted release of JPG, NRC will also consult with EPA about the toxicity and other non-radiological issues associated with the heavy metal properties of the depleted uranium at the site.

D. Henshel

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A copy of the MOU between NRC and EPA can be accessed at NRC's web site. If you have any further questions, please call me at 301-415-5869.

Sincerely,

***/RA/***

Tom McLaughlin  
Materials Decommissioning Section  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 040-08838  
License No.: SUB-1435

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**/RA/**

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