



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 9, 1996

MEMORANDUM TO: Nick Orlando, NMSS/DWM/LLDP
Judith Greenwald, NMSS/DWM/LLDP
Donna Moser, NMSS/DWM/LLDP
Michael Lamastra, NMSS/IMNS/FCSS
Mark Bouwens, RI
James Kottan, RI
Marie Miller, RI
Mark Roberts, RI

FROM: Heather Astwood, NMSS/DWM/LLDP *HAH 9/9/96*

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN NRC AND THE PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

This memorandum is intended to inform you of NRC's new responsibilities under the subject Memorandum of Understanding (MOU). The MOU which was signed July 15, 1996 (attachment 1), states that NRC and PADEP will provide contacts for SDMP sites located in Pennsylvania. Attachment 2 is a copy of the letter which was sent to PADEP citing you as contacts for these sites. I will distribute the PADEP contacts list as soon as I receive it.

As project managers for these sites, you are responsible for meeting the commitments stated in the MOU. Some of these commitments include notifying PADEP of: changes in project management; upcoming site inspections; and upcoming meetings and conference calls with the public and other regulatory agencies. In addition, the MOU states that each agency contact is to send the other copies of pertinent information concerning the site (i.e., site characterization plans, analytical data, etc.) and will allow the other agency two weeks to review and comment on documents which could have an impact on that agency's actions at the site. Please read the MOU and become familiar with all of the commitments contained in it.

Attachments: As stated

Contact: Heather Astwood
(301) 415-5819

DRAFT
MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION
AND THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Purpose. This Memorandum of Understanding ("MOU") is intended to provide a framework for voluntary cooperation between the United States Nuclear Regulatory Commission ("NRC") and the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP") to facilitate the safe and timely remediation and decommissioning of Site Decommissioning Management Plan ("SDMP") and other decommissioning sites in Pennsylvania at which both agencies exercise regulatory authority.

2. Regulatory Authority. The NRC regulates radioactive material and related activities at SDMP sites and licensed nuclear facilities under authority of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq. The DEP administers and enforces Pennsylvania's environmental statutes, including the Solid Waste Management Act, 35 P.S. § 6018.101 et seq.; the Clean Streams Law, 35 P.S. § 691.1 et seq.; and the Radiation Protection Act, 35 P.S. § 7110.101 et seq.

3. Designation of Site Coordinators. Within ninety (90) days after execution of this MOU, each agency will designate a site coordinator for each SDMP site identified in Appendix A. Each agency shall notify the other, in writing, of the name, address, and telephone and facsimile numbers of each site coordinator. Each agency may also designate coordinators for other decommissioning sites. Any changes in the designation of a coordinator will be communicated in writing to the other agency.

4. Meetings and Conference Calls Between the Agencies. At the request of either agency, with reasonable notice, a meeting or conference call will be scheduled between the site coordinators and other agency representatives to discuss coordination of remediation and decommissioning activities.

5. Technical and Regulatory Consultation. At the request of either agency, with reasonable notice, representatives of each will be made available to discuss technical or regulatory matters pertaining to the SDMP site or other decommissioning sites.

6. Meetings With the Public. Except in response to site emergencies, each agency will notify the other, at least two weeks in advance, of any public meeting related to remediation or decommissioning activities at an SDMP or other decommissioning site.

7. Meetings With Other Regulatory Entities. At its discretion, an agency may invite representatives of the other agency to attend meetings with other regulatory entities who share some responsibility for the SDMP or other decommissioning site. At a minimum, an agency will keep the other agency informed of such meetings and the results of those meetings. It should be noted that the NRC has an Open Meeting Policy which would require these meetings to be open to the public because they would almost always involve discussions concerning a specific licensee (Open Meeting Statement of NRC Staff Policy, 59 Federal Register 48340, 9/20/94).

8. Notice of Site Inspections. Each agency will make a good faith effort to coordinate routine site inspections of SDMP sites and other decommissioning sites by providing advance notice to the other agency.

9. Dissemination of Information to Other Agencies. As necessary to effectively implement remediation and decommissioning of SDMP and other decommissioning sites, the agencies will coordinate pertinent and appropriate dissemination of information to other Federal, State and local Government agencies.

10. Exchange of Information Between Agencies.

A. The agencies will exchange information concerning the remediation and decommissioning of SDMP or other decommissioning sites as follows:

i. Within two weeks of receipt, the following information will be forwarded from one agency to the other: plans and reports relating to site assessment/characterization; remediation or decommissioning; and all available related analytic data generated through site remediation or decommissioning.

ii. Upon request, NRC will make available to DEP for review and copying any documents disclosable to the public under the Freedom of Information Act, 5 U.S.C. § 552, NRC regulations in 10 CFR Part 9, Public Records, and in 10 CFR Part 2.790, public inspections, exemptions, requests for withholding, and any other applicable Federal statute, regulation, or policy.

iii. Upon request, DEP will make available to the NRC for review and copying any documents disclosable to the public under the Public Right to Know Act, 65 P.S. § 66.1 et seq., DEP's public information policy, and any other applicable Pennsylvania statute, regulation, or policy.

B. All documents exchanged by the agencies will be addressed to the designated coordinator for the SDMP site.

C. Nothing in this MOU shall be construed as compelling either agency to produce information or documents which the agency deems confidential or privileged. If such documents are exchanged, each agency will respect the confidentiality of the information and will make every attempt to avoid disclosure in accordance with administrative procedures.

11. Disclosure of Information to the Public. The right of access by the public to information under Federal and State law, regulation, or policy is not affected by this MOU.

12. Review and Comment on Documents.

A. Each agency should expeditiously forward drafts of documents it has prepared, or copies of documents received from third persons which potentially impact remediation of hazards under the other agency's jurisdiction, to solicit the other agency's review and comments.

B. The agency requesting comments will specify the date by which a response is needed. The review and comments should be completed in a reasonable time (or approximately 30 days).

C. Comments will be returned within the specified response period. In cases where there are no comments, that information will be provided within the response period.

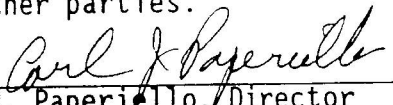
D. Requests for comments or responses will be addressed to the agency's site coordinator.

E. Final agency decisions and documents potentially impacting remediation of hazards under the other agency's jurisdiction will be transmitted by facsimile the same day these documents are sent to the facility management or released to the public.

13. Modifications. Any modifications or changes to this MOU shall only be effective if agreed to by the parties and set forth in writing as an amendment of this MOU.

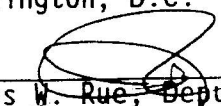
14. Reservation of Rights. Nothing in this MOU shall affect the rights, duties and authority of either agency under the law. The agencies reserve their respective authority and rights to take any enforcement action which they deem necessary to fulfill their duties and responsibilities under the law.

15. Non-binding Memorandum. This memorandum is not intended to and does not create any contractual rights or obligations with respect to the NRC, DEP, or any other parties.



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C.

4/11/96
Date



James W. Rue, Deputy Secretary
Air, Recycling and Radiation Protection
Commonwealth of Pennsylvania
Department of Environmental Protection
Harrisburg, PA

7/15/96
Date

Site Decommissioning Management Plan Sites in the
Commonwealth of Pennsylvania

Babcock & Wilcox; Apollo, PA

Babcock & Wilcox; Parks Township, PA

Cabot Corporation; Boyertown, PA

Cabot Corporation; Reading, PA

Cabot Corporation; Revere, PA

Molycorp, Inc.; Washington, PA

Molycorp, Inc.; York, PA

Permagrain Products; Media, PA

Pesses Company, METCOA Site; Pulaski, PA

Safety Light Corporation; Bloomsburg, PA

Schott Glass Technologies; Duryea, PA

Westinghouse Electric Corporation; Waltz Mill, PA

Whittaker Corporation; Greenville, PA



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 1, 1996

Leon Kuchinski, Chief
Division of Hazardous Waste Management
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8471
Harrisburg, PA 17105-8471

Dear Mr. Kuchinski:

The purpose of this letter is to forward to you a list of U.S. Nuclear Regulatory Commission staff contacts for the NRC Site Decommissioning Management Plan (SDMP) sites located in the Commonwealth of Pennsylvania.

As specified in Section 3 of the Memorandum of Understand (MOU) between NRC and the Pennsylvania Department of Environmental Protection, within ninety (90) days after execution of the MOU, each agency will designate a site coordinator for each SDMP site identified in Appendix A. As stated in the MOU, each agency shall notify the other, in writing, of the name, address, telephone and facsimile numbers of each site coordinator.

Enclosed is the list of NRC contacts. If you have any questions, please contact Heather Astwood of my staff at (301) 415-5819.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret V. Federline".

Margaret V. Federline, Acting Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

Attachment 2

Site Decommissioning Management Plan
Sites Currently in Pennsylvania
and NRC Contacts

Babcock & Wilcox, Apollo
Babcock & Wilcox, Parks Township
(Shallow Land Disposal Area)

Heather Astwood, HQ/DWM
(301) 415-5819
(301) 415-5398 fax
hma@nrc.gov

Babcock & Wilcox, Parks Township
(Operating Facility)

Nick Orlando, HQ/DWM
(301) 415-6749
(301) 415-5398 fax
dao@nrc.gov

Cabot Corporation, Boyertown

Michael Lamastra, HQ/FCSS
(301) 415-8139
(301) 415-5370 fax
mxl2@nrc.gov

Cabot Corporation, Reading
Cabot Corporation, Revere

Judith Greenwald, HQ/DWM
(301) 415-6635
(301) 415-5398 fax
jmg3@nrc.gov

Molycorp, Washington
Molycorp, York

LeRoy Person, HQ/DWM
(301) 415-6701
(301) 415-5398 fax
lsp@nrc.gov

Enclosure

PermaGrain Products, Media
Pesses Company (METCOA), Pulaski

Mark Bouwens, RI
(610) 337-6910
(610) 337-5324 fax
mrb1@nrc.gov

Safety Light Corporation, Bloomsburg

James Kottan, RI
(610) 337-5214
(610) 337-5324 fax
jjk@nrc.gov

Scott Glass Technologies, Duryea

Marie Miller, RI
(610) 337-5205
(610) 337-5324 fax
mtm1@nrc.gov

Westinghouse (Waltz Mill), Madison

Mark Roberts, RI
(610) 337-5094
(610) 337-5324 fax
mcr@nrc.gov

Whittaker Corporation, Greenville

Donna Moser, HQ/DWM
(301) 415-6753
(301) 415-5398
dsm2@nrc.gov

HQ/DWM - U.S. Nuclear Regulatory Commission
Mail Stop T-7F-27
Washington, D.C. 20555-0001

HQ/FCSS - U.S. Nuclear Regulatory Commission
Mail Stop T-8D-14
Washington, D.C. 20555-0001

RI - U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406-1415