

October 13, 2000

The Honorable James T. Walsh, Chairman
Subcommittee on Veterans Affairs, HUD, and
Independent Agencies
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to report on the status of the development of a Memorandum of Understanding (MOU), between the U.S. Nuclear Regulatory Commission (NRC) and U.S. Environmental Protection Agency (EPA) concerning the remediation of sites under NRC regulatory authority and the avoidance of dual regulation. In my July 14, 2000 letter to you, I indicated that some progress was being made on development of an MOU and committed to provide a further status report by October 15, 2000.

Since July, agency representatives have met several times to discuss each agency's policies and processes related to site decommissioning and proposed language for an MOU. The last meeting occurred on August 24, 2000, at which time the NRC staff, pursuant to Commission direction, made significant concessions in the spirit of reaching agreement on a final MOU. Although it previously appeared that significant progress was being achieved during the staff-to-staff discussions, the most recent draft of the MOU submitted to the NRC by EPA on September 28, 2000, contains passages that, from the NRC's perspective, undermine the purpose of the MOU by continuing to foster the potential for dual regulation for the vast majority of NRC licensees intended to be covered by the MOU. Discussions between agency representatives are continuing to determine whether specific, unambiguous language acceptable to both agencies can be identified. The Commission is disappointed that the MOU has not already been finalized, but we are willing to commit to further discussions with EPA to determine if an agreement is possible.

I plan to provide you with another report by January 19, 2001, as to the status of the efforts to adopt an MOU with EPA. If you desire additional information or clarification, please contact me.

Sincerely,

/RA/

Richard A. Meserve

cc: Representative Alan B. Mollohan

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IDENTICAL LETTERS SENT TO:

The Honorable James T. Walsh, Chairman
Subcommittee on Veterans Affairs, HUD, and
Independent Agencies
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Alan B. Mollhan

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands,
Private Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Bob Graham

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Rick Boucher

The Honorable Tom Bliley, Chairman
Committee on Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative John D. Dingell

The Honorable Bob Smith, Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Max Baucus

The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Peter J. Visclosky

The Honorable Pete V. Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Harry Reid

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The Honorable Christopher S. Bond, Chairman
Subcommittee on Veterans Affairs, HUD, and
Independent Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Barbara A. Mikulski

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