



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

April 11, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: *Annette L. Vietti-Cook*
Annette L. Vietti-Cook, Acting Secretary

SUBJECT: STAFF REQUIREMENTS - COMSECY-97-008 - STAFF
PROPOSAL FOR ALLOWING EPA TO INVOKE NRC-EPA
MOU PROCEDURES WITH RESPECT TO SECY-97-046A,
FINAL RULE ON RADIOLOGICAL CRITERIA FOR
LICENSE TERMINATION

In a memorandum dated April 4, 1997, you requested that the Commission delay voting on the proposed final rule on radiological criteria for license termination at least until April 28, 1997. The request was made to allow time in the schedule for EPA to review the document, an opportunity for the NRC and EPA staffs to meet to discuss areas of disagreement, and time for the staff to report to the Commission on the results of the NRC-EPA discussion.

The request has been approved subject to the following conditions:

- 1) the staff may meet with the EPA but the staff shall prepare an agenda for the discussions in advance of the meeting.
- 2) if there is a meeting between the two staffs, it should be held only for the purpose of clarification of staffs' views and to present data and views on matters that have not been the subject of past consultations or discussions. Any such meetings must be held on or before April 25, 1997;
- 3) such meetings and interactions with EPA must be accomplished in a public process, documents exchanged between the staffs should be placed in the PDR, and meetings between the NRC and EPA shall be noticed and open to the public;
- 4) The staff should respond to EPA concerning EPA's request for additional meetings, consistent with the conditions noted here. The letter to EPA reporting the

Commission's decision on EPA's request should reflect the long history of EPA/NRC interactions and consultation on the cleanup standards issues and note that the Commission does not believe the meetings to which it is agreeing are required under the NRC-EPA MOU. Rather, the NRC is agreeing to the meetings in view of EPA's request for additional meetings and in furtherance of agency cooperation. The letter should be submitted to the Commission for expeditious approval prior to dispatch.

- 5) the NRC staff report to the Commission on the results of the NRC-EPA discussions should include an identification of the areas of disagreement. The report should be provided to the Commission by April 28, 1997.

(EDO)

(SECY Suspense:

4/28/97)

In addition, the Commission will support a public meeting between the Commission and EPA in which an EPA policy level Presidential appointee addresses the Commission on EPA's concerns. The Commission will endeavor to hold such a meeting before May 9, 1997 so that the Commission's vote on the cleanup rules will not be further delayed.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG