

March 1, 2002

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 on behalf of the Nuclear Regulatory Commission (NRC) to report on the status of the development of a Memorandum of Understanding (MOU) between the NRC and the U.S. Environmental Protection Agency (EPA), concerning remediation of sites under NRC regulatory authority and avoidance of dual regulation. In my letter to you of November 29, 2001, I committed to providing a further status report.

The NRC staff has had several discussions with EPA since our last report to try to reconcile our differences, and I believe we have made progress in completing the MOU. Staff of both agencies propose an MOU which includes a table of soil concentrations for naturally-occurring radionuclides associated with nuclear fuel cycle facilities which, if satisfied, would allow EPA to defer to NRC. We are continuing to work on expanding the scope of the MOU to include additional radionuclides that are key to the decommissioning of reactor sites. Agreement on appropriate concentrations for these additional radionuclides is needed to minimize dual regulation at reactor sites and to ensure consistency with the Commission's direction. Although it remains unclear if EPA's prior concerns on statutory impediments will impede finalization of the MOU, the Commission believes it is worthwhile to continue work with EPA on this issue. I will report to you by May 31, 2002, on the status of our efforts to complete a final MOU.

If you desire additional information or clarification, please contact me.

Sincerely,

/RA/

Richard A. Meserve

cc: Representative Alan B. Mollohan

Identical letter 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. Mollohan

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

The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative John D. Dingell

The Honorable James M. Jeffords
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Bob Smith

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

The Honorable Henry Hyde, Chairman
Committee on International Relations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Tom Lantos

Identical letter sent to: (contd)

The Honorable Joseph R. Biden, Jr., Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510
cc: Senator Jesse Helms

The Honorable Harry Reid, Chairman
Subcommittee on Transportation, Infrastructure,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator James M. Inhofe

The Honorable Roscoe Bartlett, Chairman
Subcommittee on Energy
Committee on Science
United States House of Representatives
Washington, D.C. 20515
cc: Representative Lynn Woolsey

The Honorable Joseph I. Lieberman, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510
cc: Senator Fred Thompson

The Honorable Dan Burton, Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515
cc: Representative Henry Waxman