

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: **SECY-99-278 - NRC/AGREEMENT STATE JURISDICTION
FOR FORMERLY LICENSED SITES**

Approved _____ Disapproved XX *lw* Abstain _____
Not Participating _____

COMMENTS:

See attached comments.....

lw

SIGNATURE

12.16.99

DATE

--REC'D BY NJD--

Entered on "AS" Yes No _____

COMMISSIONER DIAZ'S COMMENTS ON SECY-99-278 -- NRC/AGREEMENT STATE JURISDICTION FOR FORMERLY LICENSED SITES.

I disapprove the staff's recommendation to implement Option 3 and instead approve a modified Option 1.

There are sufficiently good reasons for legislative action to ensure a clear, final resolution of this issue. However, given the lack of threats to public health and safety and current resource constraints, NRC should not develop and propose an amendment to the Atomic Energy Act. Instead, the staff should inform the Agreement States that the Commission would not object to an Agreement State proposal to Congress to amend Section 274 of the Atomic Energy Act to return jurisdiction over formerly licensed sites to NRC. I believe the Agreement States have the best knowledge of the local impacts of this issue, including the legal, technical, and financial implications, and, therefore, are in the best position to take the lead in a legislative proposal. If the Agreement States forward such a proposal to Congress, the Commission should indicate its support of the proposal in an accompanying letter to Congress. The staff should also make it clear to our stakeholders that, should NRC get jurisdiction under this proposal, it would not necessarily mean that there would be further remediation of the sites. The NRC would make clean-up decisions based on the technical merits of each case.