



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
July 6, 2001

Bureau of Radiation Protection

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Fax: 717-783-8965

Mr. Paul H. Lohaus
Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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OSP

Dear Mr. Lohaus: *Paul,*

The Pennsylvania Department of Environmental Protection (DEP) Bureau of Radiation Protection (BRP) is in the process of preparing a response to the comments that were identified in your 1999 letters regarding the draft application for an Agreement under Section 274 of the Atomic Energy Act (Agreement). In order to expedite the overall process and to facilitate meeting DEP's goal of submitting the finalized Agreement State Application to your office by January, 2002 I would like to propose a meeting between our respective programs to discuss outstanding issues sometime in the month of August here in our Harrisburg office. If this is acceptable to you, we will propose potential dates and a draft agenda for your consideration.

One major issue I would like to discuss at this meeting is the process for oversight of complex decommissioning actions, in particular those actions pending for the NRC Site Decommissioning Management Plan (SDMP) sites in Pennsylvania. It is understood, that with the exception of the Parks Township Shallow Land Disposal Area, the SDMP sites will transfer to Pennsylvania when the Agreement becomes effective. Staff from the BRP Decommissioning Section have been working closely with the NRC on these sites for nearly two years and it is apparent that the NRC and the licensees involved have invested considerable time and resources to develop and, in many cases, implement decommissioning plans for remediation of these sites. The NRC has developed staff and contractors who are intimately familiar with these sites and the status of pending decommissioning activities. I believe that transfer of the sites that do not have approved decommissioning plans (e.g. Cabot-Reading, Whittaker, Safety Light) will most likely result in unnecessary delays in decommissioning plan development and additional expense for the licensees. I would propose that the Agreement be structured such that the NRC maintains authority for those sites that do not yet have an approved Decommissioning Plan until such time as the Decommissioning Plan is approved. The BRP Decommissioning Section would continue to support the NRC's process until the Decommissioning Plan is approved and the site transferred by abiding by the terms and conditions of the Memorandum of

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Understanding (Effective 7/15/96), which provides the basis for cooperation to facilitate the safe and timely decommissioning of SDMP and other decommissioning sites in Pennsylvania. I believe this approach will allow for a more efficient transfer and make it easier for the NRC, DEP and the licensees to plan their respective workloads over the next two to three years.

Please contact me at your earliest convenience as to whether a meeting in August is acceptable to you. I look forward to working with you and your staff toward the successful completion of our Agreement State application.

Sincerely,

A handwritten signature in black ink, appearing to read "David", written in a cursive style.

David J. Allard, CHP
Director
Bureau of Radiation Protection

cc: R. Maiers
R. Urciuolo

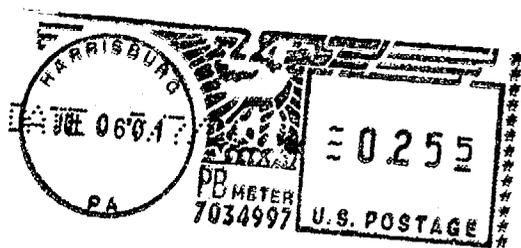


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